

APPENDICES

Appendix 1 :

Publication from the thesis

Crowley, M.J., O'Callaghan, M.G., & Ball, P.J. (1994). The juridical impact of psychological expert testimony in a simulated child sexual abuse trial. Law & Human Behavior, 18, 89-105.

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Appendix 2 :

Information, instruction & consent forms for Experiments 1, 2, 3

Appendix 2.1 Information sheet for adult actors in simulated trial

Appendix 2.2 Statement of informed consent for participants in simulated trial

Appendix 2.3 Information sheet for parents of child actors in simulated trial

Appendix 2.4 Statement of informed consent for parents of child actors in simulated trial

Appendix 2.5 Instructions for jurors in Experiments 1, 2 & 3.

Appendix 2.6 Statement of informed consent for mock jurors.

CHILDREN'S TESTIMONY IN SEXUAL ABUSE CASES.

Supervisors : M.G. O'Callaghan and P.J. Ball

Researcher : M. Crowley

INFORMATION SHEET FOR ADULT ACTORS

The aim of this experiment is to assess the likely impact which expert psychological testimony may have on a jury in cases of child sexual assault. The project team have chosen to assess this impact by producing videotapes of a simulated trial, each videotape differing only in terms of the age or sex of the child, and the presence or absence of psychological expert testimony.

Each of the videotapes will be shown to two separate panels of twelve subjects acting as jurors. The first panel will be drawn from the student population at the University, and the second panel from the general population. In each case, the jurors will be asked, after viewing the "trial", to give various ratings as to the credibility of witnesses and other factors, and will be required to deliberate as a jury would in a real criminal trial.

Your confidentiality is assured and those acting as jurors will be asked to respect this assurance of confidentiality. No actors will be identified in any reports arising from this work, and all videotaped simulations produced will be erased at the conclusion of this research.

M. Crowley (Researcher)

Appendix 2.2 Statement of Informed consent for participants in simulated trial

Participant in simulated trial

**ASSESSMENT OF THE JURIDICAL IMPACT OF EXPERT TESTIMONY
IN A SIMULATED SEXUAL ABUSE TRIAL**

STATEMENT OF INFORMED CONSENT

1. Certification by participant

I....., of

.....

certify that I freely agree to participate in the preparation of a videotaped simulation of a sexual assault trial, for the purposes of experimentation, conducted by Michael Crowley and supervised by Gemma O'Callaghan and Peter Ball of the University of Tasmania

I certify that the purpose of the experimentation, that is, to assess the impact of expert psychological testimony in cases of sexual assault, has been fully explained to me and that I have read the attached information sheet, and that I freely consent to playing a role in the simulation.

CONFIDENTIALITY :

I certify that I have received assurance that information concerning the actors in the simulation will be treated with confidentiality and participants will not be identified in any reports arising from this work. I understand that a summary of the results of this research will be made available to any participant requesting a copy thereof. I certify that I have had an opportunity to have my questions answered and that I understand I can withdraw from the project at any time.

Signed

Date

2. Certification by researcher :

I certify that I have explained the objectives and methodology of the above project in the term outlined on the attached information sheet to the participant named hereon and am satisfied that he/she has given valid consent to participate in this project.

Signed

Date

Appendix 2.3 Information sheet for parents of child actors in simulated trial

CHILDREN'S TESTIMONY IN SEXUAL ABUSE CASES.

Supervisors : M.G. O'Callaghan and P.J. Ball

Researcher : M. Crowley

INFORMATION SHEET FOR PARENTS OF CHILD ACTORS

The aim of this experiment is to assess the likely impact which expert psychological testimony may have on a jury in cases of child sexual assault. The project team have chosen to assess this impact by producing videotapes of a simulated trial, each videotape differing only in terms of the age or sex of the child, and the presence or absence of psychological expert testimony.

Each of the videotapes will be shown to two separate panels of twelve subjects acting as jurors. The first panel will be drawn from the student population at the University, and the second panel from the general population. In each case, the jurors will be asked, after viewing the "trial", to give various ratings as to the credibility of witnesses and other factors, and will be required to deliberate as a jury would in a real criminal trial.

The interview with your child will have no objectionable references. The interview will take place in one session at the University of Tasmania in a relaxed atmosphere and will be videotaped. Later, the videotaped interview will be edited minimally to provide the "videodeposition" of a child alleging sexual assault, and this deposition will be incorporated into the trial simulation as the child's evidence

Your child's confidentiality is assured and those acting as jurors will be asked to respect this assurance of confidentiality. No actors will be identified in any reports arising from this work, and all videotaped simulations produced will be erased at the conclusion of this research.

M. Crowley (Researcher)

**Appendix 2.4 Statement of Informed consent for parents of
child actors in simulated trial**

**ASSESSMENT OF THE JURIDICAL IMPACT OF EXPERT TESTIMONY
IN A SIMULATED SEXUAL ABUSE TRIAL**

STATEMENT OF INFORMED CONSENT

1. Certification by parent of participating child.

I,....., of
.....

certify that I freely consent to my child being interviewed at the
Psychology Department, University of Tasmania and for that interview to be
subsequently edited, and incorporated into a simulated sexual assault trial as a
videodeposition.

I certify that the purpose of the project, that is, to assess the impact of expert
psychological testimony in cases of sexual assault, has been fully explained to me,
and that I have read the attached information sheet. I freely give permission for my
child to play a role in the simulation, prepared for the experimentation, conducted
by Michael Crowley and supervised by Gemma O'Callaghan and Peter Ball at the
University of Tasmania.

CONFIDENTIALITY :

I certify that I have received assurance that information concerning the actors in the
simulation will be treated with confidentiality and participants will not be identified
in any reports arising from this work. I understand that a summary of the results of
this research will be made available to any participant requesting a copy thereof. I
certify that I have had an opportunity to have my questions answered and that I
understand I can withdraw from
the project at any time.

Signed Date

2. Certification by researcher :

I certify that I have explained the objectives and methodology of the above project to
the parent of the child participant named hereon in the terms outlined on the attached
information sheet, and am satisfied that he/she has given valid consent for that child
to participate in this project.

Signed Date

Appendix 2.5 Instructions for Jurors In Experiments 1, 2 & 3.

CHILDREN'S TESTIMONY IN SEXUAL ABUSE CASES.

Supervisors : M.G. O'Callaghan and P.J. Ball

Researcher : M. Crowley, Dept. of Psychology, University of Tasmania

INSTRUCTIONS FOR JURORS

The aim of the experimentation is to assess the credibility of certain witnesses in cases of child sexual assault. As a "juror", you will be required to be one of a panel of six, watching a videotape of approximately forty minutes duration, involving an allegation of child sexual abuse. The videotape is a simulated reconstruction of a sexual abuse case in the Supreme Court. The trial involves allegations made by the child, Kim. The alleged perpetrator is the father, Paul Woods. After watching the videotape, you will be asked to rate some witnesses in terms of their credibility and other factors. As a panel, you will then deliberate as a jury would do at a criminal trial. The deliberation period will be twenty five minutes, at the conclusion of which you will be asked to write down your verdict, and an indication of any alterations in some ratings. The deliberation process will be videotaped, so that aspects of the discussion may be analysed statistically.

In the videotaping of this reconstruction, the camera was kept in a stationary position while the child's statement was being taken and while the cross examination was conducted. The camera also remained stationary throughout the videotaping of the trial. You will notice editing jumps in the videotape ... these were unavoidable as certain cuts had to be made for ethical and/or legal reasons. It is suggested that, as far as possible, you should try to ignore the jumps.

The project team have given an assurance of confidentiality to those actors who played the roles in the simulated trials, and you are asked to respect this assurance, by not disclosing the real identity of any actor at any time. We would ask you to keep in mind that this is a simulated trial, and those acting in the simulation are merely playing the parts required. However, we would ask that you approach your task as a "juror" with serious and careful thought as you would if you were called for jury service in a real criminal trial. To ensure confidentiality for all participants, both actors and "jurors", the videotapes of the simulated trials and the jury deliberations will be erased at the conclusion of this research. We thank you for your participation in this research.

Appendix 2.6 Statement of Informed consent for mock jurors.

STATEMENT OF INFORMED CONSENT

1. Certification by participant

I....., of

.....

certify that I fully agree to participate in the research project involving a simulated sexual assault trial. I understand that this experimentation is being conducted by Michael Crowley and supervised by Gemma O'Callaghan and Peter Ball of the University of Tasmania.

I freely agree to act as a mock juror in this project and I have no objection to the videotaping of the jury deliberation process, for subsequent analysis, on the understanding that such analysis will be conducted under conditions of confidentiality and there will be no identifying data in any report of this study.

CONFIDENTIALITY :

I certify that I have received assurance that information concerning the actors in the simulation will be treated with confidentiality and participants will not be identified in any reports arising from this work. I understand that a summary of the results of this research will be made available on request. I certify that I have had an opportunity to have my questions answered and that I understand I can withdraw from the project at any time.

Signed

Date

2. Certification by researcher :

I certify that I have explained the objectives and methodology of the above project to the participant named hereon in the terms outlined in the attached instruction sheet and am satisfied that he/she has given valid consent to participate in this project.

Signed

Date

Appendix 3 :

**Jurors' pre-deliberation response sheets for
Experiments 1,2,3.**

very likely x x x x x x x x very unlikely

very little x x x x x x x x x very much

very little neutral very much

X X X X X X X X X

not credible neutral very credible

at all

X — X — X — X — X — X — X — X

not credible neutral very credible
at all

X X X X X X X X X

not credible neutral very credible

at all

*the likelihood of delay in disclosing abuse
children's abilities to recall events accurately and completely,
the likelihood a child might be susceptible to misleading information
and children's abilities to distinguish the real from the imaginary.*

X-----X-----X-----X-----X-----X-----X-----X-----X
not at all neutral very
helpful helpful

x-----x-----x-----x-----x-----x-----x-----x-----x
not at all well neutral very well

.....

.....

.....

.....

.....

.....

very unsure x x x x x very certain

Appendix 4 :

Actual interviews conducted with children

Appendix 4.1 Actual Interview used with female child

Appendix 4.2 Actual Interview used with male child

Appendix 4.1 Actual interview used with female child

Female child's actual interview

(R. vs. Paul Francis Woods)

Present...

Ms. Forbes .. Interviewer (Child Protection Board Psychologist)

Ms. Goodman .. Counsel for the prosecution

Ms. Barlow .. Counsel for the Defence

(1) Ms. Forbes : Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a skipping contest at school. Do you like skipping ?

Kim : Yes.

(2) Ms. Forbes : Good.. I have a niece, a girl about your age , and she loves to skip. She's learning to skip backwards. Can you do that ?

Kim : (free response)

(3) Ms. Forbes : Tell me about some of the things you like to do when you're at home.

Kim : (free response .. bicycling, drawing, watching T.V)

(4) Ms. Forbes : And where do you go to school, Kim ?

Kim : At Bellerive.

(5) Ms. Forbes : And what sort of things do you like to do at school ?

Kim : (free response.. playing games, reading, listening to stories)

(6) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : No, I walk. It's only a few streets away.

(7) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : No.

(8) Ms. Forbes : So who lives at your place ?

Kim : Just Mum. Dad used to be at home, but he moved out and lives at New Town now.

(9) Ms. Forbes : How long ago did Dad move out ?

Kim : Oh.. I dunno.. months ago .. I think it was just after Christmas .

(10) Ms. Forbes : Sometime in January ... about five months ago ?

Kim : Hmm... I think so

(11) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : Yeah... a few times .

(12) Ms. Forbes : About how often ?

Kim : I used to spend every second weekend with him.

(13) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : No, there was just me and Dad there.

(14) Ms. Forbes : Now, Kim.. I want you to try and remember a Saturday night about three months ago.. in March.. You were staying with Dad for the weekend. Do you remember that ?

Kim : Yes.

(15) Ms. Forbes : Can you tell me about that Saturday night with Dad ?

Kim : Hmm... I don't know .

(16) Ms. Forbes : (Pause)... I think it was the last weekend you had with your Dad... and you haven't stayed with him since.. is that right ?

Kim : Hmmm (nodding)

(17) Ms. Forbes : Could you tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat on that night.. was it something special ?

Kim : Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey from a big jar of honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed, but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.

(18) Ms. Forbes : So there'd been other times before when you had cramp in the legs ?

Kim : Yes.. Mum used to rub my legs really hard .. sometimes with some oily stuff .

(19) Ms. Forbes : So, Kim, on that Saturday night at Dad's .. you woke up with cramps in the legs. What did you do ?

Kim : I got out of bed and went into the next room, and Dad was watching T.V... and I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs. Then he took off my pyjama pants.. and then he rubbed my legs real hard... just like Mum does...

(20) Ms. Forbes : You were telling me earlier that you have a toy pussy cat that you cuddle up to in bed. Did you have your pussy cat with you when Dad was trying to make your legs feel better ?

Kim : Yes

(21).. Ms. Forbes : And did Dad rub your pussy cat's legs too ?

Kim : Oh yes .. the lower parts of his legs.. and then he rubbed up higher .

(22). Ms. Forbes : And you told me you fell asleep and had a strange dream.. in which you had a sore tooth and your pussy cat also had a sore tooth, and Dad was in your dream dressed like a dentist. Did Dad check your pussy cat's mouth ?

Kim : Yes, he put his finger in .

(23).. Ms. Forbes : What ! Into your mouth ?

Kim : No ! Into my pussy.

(24).. Ms. Forbes : But he did look at your sore tooth after that, and put his finger on your tooth. How did it feel ?

Kim : It hurt and I told him I didn't like it.. he said it would soon feel better and that I should just relax.

(25). Ms. Forbes : What did you do then... in your dream ?

Kim : I kept my eyes closed.

(26).. Ms. Forbes : And then in your dream you said Dad was sort of over you and looking down into your mouth with a big mirror, and the tooth was hurting really bad.. What happened then ?

Kim : And then I thought he was putting something bigger into me, and I cried.. it was really hurting.. and I opened my eyes and he was above me, and moving up and down... and it was hurting and hurting so much.

(27). Ms. Forbes : And then you woke up and found you'd knocked the jar of honey off the chair onto yourself.. and all over the cushions.. What did that feel like ?

Kim : It was awful... there was a lot of sticky stuff all over me.. all over my legs.

(28) Ms. Forbes : What happened then ?

Kim : Then Dad went out and brought back a wet cloth and wiped my legs... and put my pyjama pants on.. and he took me back to my bedroom and said I would soon feel much better.... and next morning I woke up.. I felt very sore.. Dad said I should have a hot bath and he would buy me a chocolate bar ... and later he said I shouldn't say anything to Mum, and he'd buy me lots more chocolate if I didn't tell.

(29) Ms. Forbes : Did you tell Mum when you saw her ?

Kim : Uh.. no. I didn't want to.. I thought I might get into trouble .

(30) Ms. Forbes : But later, you did tell her what happened, didn't you .

Kim : Yeah.. but it was a lot later, 'cause Dad was away the next fortnight, so the time after that when I was supposed to go and stay with Dad... Mum said I should get my things ready... and I said I didn't want to ...and I didn't want to go.... and she asked me why. I didn't want to tell her what happened... but I did 'cause I didn't want to go to Dad's ... and when I told her she was real angry.

(31) Ms. Forbes : Did you think she was angry at you ?

Kim : No... she kept goin' on about Dad and was cranky about Dad.. and she asked me to tell all about what happened.

(32) Ms. Forbes : And so you think she was angry at Dad.

Kim : Yes... I think so .

(33) Ms. Forbes : But Dad explained that it was all an accident, didn't he ?

Kim : Yes

(Questions from the defense counsel start here)

(34) Ms. Barlow : Kim, on the night you were alone with dad, you said you went to bed at nine o'clock. Is that right ?

Kim : Yes.

(35) Ms. Barlow : Do you remember what time it was when you woke up ?

Kim : No. I don't know .

(36) Ms. Barlow : Kim, do you ever have dreams ?

Kim : Yes.

(37) Ms. Barlow : And do you sometimes dream about people you know, like Mum and Dad ?

Kim : Yes.

(38) Ms. Barlow : Have some of your dreams been happy dreams ?

Kim : Yes

(39) Ms. Barlow : And have some of them been unhappy or nasty dreams ?

Kim : Hmmm... yes.

(40) Ms. Barlow : Have you ever woken up in the middle of the night thinking that something terrible was happening... only to find that it was just a dream ?

Kim : Yes... sometimes

(41) Ms. Barlow : And those dreams can be very real, can't they ?

Kim : Yes.

(42) Ms. Barlow : Has your mother talked a lot with you about what's happened ?

Kim : Yes.

(43) Ms. Barlow : Do you sometimes make up stories when you're at school ?

Kim : In the classroom.. yes . The teacher likes us to make up stories.

(44) Ms. Barlow : Do you sometimes make up stories that are not true ?

Kim : Yes. The teacher likes us to make up stories.

(45) Ms. Barlow : And do you tell the teacher the stories you make up ?

Kim : Yes.. and I write them down on paper.

(46) Ms. Barlow : Does the teacher like the stories you write ?

Kim : Yes

(47) Ms. Barlow : Do you sometimes make up stories when you tell other people ?

Kim : Sometimes.. but most of the time I tell the truth.

(48) Ms. Barlow : But you don't always tell the truth ?

Kim : Only when I'm making up stories .

Ms. Barlow : Well, Kim, that's all for now..Thanks for talking with me. I was very pleased that we were able to talk about all the things that happened, and to hear about the things you do at school.

Edited sections

(To be used in real interview with **FEMALE** child actor and then edited)

Edit 1.. Ms. Forbes : And did Dad rub your pussy cat's legs too ?

Kim : *Oh yes .. the lower parts of his legs.. and then he rubbed up higher .*

Edit 2... Ms. Forbes : And you told me you fell asleep and had a strange dream.. in which you had a sore tooth and your pussy cat also had a sore tooth, and Dad was in your dream dressed like a dentist. Did Dad check your pussy cat's mouth ?

Kim : *Yes, he put his finger in .*

Edit 3. .. Ms. Forbes : What ! Into your mouth ?

Kim : *No ! Into my pussy.*

Edit 4... Ms. Forbes : But he did look at your sore tooth after that, and put his finger on your tooth. How did it feel ?

Kim : *It hurt and I told him I didn't like it.. he said it would soon feel better and that I should just relax.*

Edit 5 .. Ms. Forbes : What did you do then... in your dream ?

Kim : *I kept my eyes closed.*

Edit 6.. Ms. Forbes : And then in your dream you said Dad was sort of over you and looking down into your mouth with a big mirror, and the tooth was hurting really bad.. What happened then ?

Kim : *And then I thought he was putting something bigger into me, and I cried.. it was really hurting.. and I opened my eyes and he was above me, and moving up and down... and it was hurting and hurting so much.*

Edit 7 .. Ms. Forbes : And then you woke up and found you'd knocked the jar of honey off the chair onto yourself.. and all over the cushions.. What did that feel like ?

Kim : *It was awful... there was a lot of sticky stuff all over me.. all over my legs.*

Edit 8 .. Ms. Forbes : And so you think she was angry at Dad.

Kim : *Yes... I think so.*

Edit 9 ... Ms. Forbes : But Dad explained that it was all an accident, didn't he ?

Kim : *Yes.*

Appendix 4.2 Actual Interview used with male child

Male Child's actual Interview

The Queen vs. Paul Francis Woods

Present...

Ms. Forbes .. Interviewer (Child protection Board Psychologist)

Ms. Goodman .. Counsel for the prosecution

Ms. Barlow .. Counsel for the Defence

(1) Ms. Forbes : Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a running competition at school. Do you like running ?

Kim : Yes.

(2) Ms. Forbes : Good.. I have a nephew, a boy about your age , and he loves to run. He likes to run long distances. Do you like that ?

Kim : (free response)

(3) Ms. Forbes : Tell me about some of the things you like to do when you're at home.

Kim : (free response .. bicycling, drawing, watching T.V)

(4) Ms. Forbes : And where do you go to school, Kim ?

Kim : At Bellerive.

(5) Ms. Forbes : And what sort of things do you like to do at school ?

Kim : (free response.. playing games, reading, listening to stories)

(6) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : No, I walk. It's only a few streets away.

(7) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : No.

(8) Ms. Forbes : So who lives at your place ?

Kim : Just Mum. Dad used to be at home, but he moved out and lives at New Town now.

(9) Ms. Forbes : How long ago did Dad move out ?

Kim : Oh.. I dunno.. months ago .. I think it was just after Christmas .

(10) Ms. Forbes : Sometime in January ... about five months ago ?

Kim : Hmm... I think so

(11) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : Yeah... a few times .

(12) Ms. Forbes : About how often ?

Kim : I used to spend every second weekend with him.

(13) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : No, there was just me and Dad there.

(14) Ms. Forbes : Now, Kim.. I want you to try and remember a Saturday night about three months ago.. in March.. You were staying with Dad for the weekend. Do you remember that ?

Kim : Yes.

(15) Ms. Forbes : Can you tell me about that Saturday night with Dad ?

Kim : Hmm... I don't know .

(16) Ms. Forbes : (Pause)... I think it was the last weekend you had with your Dad... and you haven't stayed with him since.. is that right ?

Kim : Hmmm (nodding)

(17) Ms. Forbes : Could you tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat on that night.. was it something special ?

Kim : Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey from a big jar of honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.

(18) Ms. Forbes : So there'd been other times before when you had cramp in the legs ?

Kim : Yes.. Mum used to rub my legs really hard .. sometimes with some oily stuff .

(19) Ms. Forbes : So, Kim, on that Saturday night at Dad's , you woke up with cramps in the legs. What did you do ?

Kim : I got out of bed and went into the next room, and Dad was watching T.V... and I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs. Then he took off my pyjama pants.. and then he rubbed my legs real hard... just like Mum does...

(20). Ms. Forbes : You were telling me earlier that you have a toy pussy cat that you cuddle up to in bed. Did you have your pussy cat with you when Dad was trying to make your legs feel better ?

Kim : Yes

(21). Ms. Forbes : And did Dad rub your pussy cat's legs too ?

Kim : Oh yes .. the lower parts of his legs.. and then he rubbed up higher .

(22). Ms. Forbes : And you told me you fell asleep and had a strange dream.. in which you had a sore tooth and Dad was in your dream dressed like a dentist. And did Dad check your mouth ?

Kim : Yes, he put his finger in .

(23). Ms. Forbes : Was the sore tooth in your top set of teeth or in your bottom ?

Kim : In my bottom

(24) . Ms. Forbes : So then Dad looked at your sore tooth and put his finger on it . How did it feel ?

Kim : It hurt and I told him I didn't like it.. he said it would soon feel better and that I should just relax.

(25). Ms. Forbes : What did you do then... in your dream ?

Kim : I kept my eyes closed.

(26). Ms. Forbes : And then in your dream you said Dad was sort of over you and looking down into your mouth with a big mirror, and the tooth was hurting really bad.. What happened then ?

Kim : And then I thought he was putting something bigger into me, and I cried.. it was really hurting.. and I opened my eyes and he was above me, and moving up and down... and it was hurting and hurting so much.

(27). Ms. Forbes : And then you woke up and found you'd knocked the jar of honey off the chair onto yourself.. and all over the cushions.. What did that feel like ?

Kim : It was awful... there was a lot of sticky stuff all over me.. all over my legs.

(28) Ms. Forbes : What happened then ?

Kim : Then Dad went out and brought back a wet cloth and wiped my legs... and put my pyjama pants on.. and he took me back to my bedroom and said I would soon feel much better.... and next morning I woke up.. I felt very sore.. Dad said I should have a hot bath and he would buy me a chocolate bar ... and later he said I shouldn't say anything to Mum, and he'd buy me lots more chocolate if I didn't tell.

(29) Ms. Forbes : Did you tell Mum when you saw her ?

Kim : Uh.. no. I didn't want to.. I thought I might get into trouble .

(30) Ms. Forbes : But later, you did tell her what happened, didn't you .

Kim : Yeah.. but it was a lot later, 'cause Dad was away the next fortnight, so the time after that when I was supposed to go and stay with Dad... Mum said I should get my things ready... and I said I didn't want to ..and I didn't want to go.... and she asked me why. I didn't want to tell her what happened... but I did 'cause I didn't want to go to Dad's ... and when I told her she was real angry.

(31) Ms. Forbes : Did you think she was angry at you ?

Kim : No... she kept goin' on about Dad and was cranky about Dad.. and she asked me to tell all about what happened.

**(Questions from the defense counsel same as for
female victim / witness)**

Edited parts

(To be used in real interview with MALE child actor and then edited)

Edit 1.. Ms. Forbes : And did Dad rub your pussy cat's legs too ?

Kim : *Oh yes .. the lower parts of his legs.. and then he rubbed up higher .*

Edit 2... Ms. Forbes : And you told me you fell asleep and had a strange dream.. in which you had a sore tooth and Dad was in your dream dressed like a dentist. Did Dad check your mouth ?

Kim : *Yes, he put his finger in .*

Edit 3. .. Ms. Forbes : Was the sore tooth in your top set of teeth or in your bottom ?

Kim : *In my bottom*

Edit 4... Ms. Forbes : So then Dad looked at your sore tooth and put his finger on it. How did it feel ?

Kim : *It hurt and I told him I didn't like it.. he said it would soon feel better and that I should just relax.*

Edit 5 .. Ms. Forbes : What did you do then... in your dream ?

Kim : *I kept my eyes closed.*

Edit 6.. Ms. Forbes : And then in your dream you said Dad was sort of over you and looking down into your mouth with a big mirror, and the tooth was hurting really bad.. What happened then ?

Kim : *And then I thought he was putting something bigger into me, and I cried.. it was really hurting.. and I opened my eyes and he was above me, and moving up and down... and it was hurting and hurting so much.*

Edit 7 .. Ms. Forbes : And then you woke up and found you'd knocked the jar of honey off the chair onto yourself.. and all over the cushions.. What did that feel like ?

Kim : *It was awful... there was a lot of sticky stuff all over me.. all over my legs.*

Appendix 5

Trial script for experiments 1, 2 & 3

Appendix 5.1 Female child victim/witness

Appendix 5.2 Male child victim/witness

Appendix 5.1 Trial transcript with female child witness

THE QUEEN VS. PAUL FRANCIS WOODS

Presiding Judge : His Honour, Justice Sealy

Counsel for the Prosecution : Ms. Goodman

Counsel for the Defense : Ms. Barlow

Witnesses :

Kim Woods (6 or 9 or 12 years) Victim of alleged sexual assault.

Wendy Jane Woods... mother of Kim Woods

Dr. Gregory Brennan.... Medical practitioner

Dr. Melton ... Psychological expert witness

Paul Francis Woods Defendant and father of Kim Woods

Order :

Child's testimony

Mother's testimony

Dr. Brennan's testimony

Dr. Melton's testimony

Paul Woods' testimony

Counsels' closing remarks

Judge's instructions to the jury

Judge Sealy : Ms. Goodman, I understand that the child in this case, Kim Woods, who has made the allegation of sexual assault will not be appearing in the courtroom, and that Kim's testimony has been prepared as a videotaped deposition. Is that correct ?

Ms. Goodman : That is so, your Honour.

Judge Sealy : I should explain to the members of the jury that Kim was interviewed by Ms. Forbes, a psychologist with the Child Protection Assessment Board. The law now allows for such an interview, if videotaped and subsequently deemed by a judge to be admissible as evidence, to stand as the examination in chief of the child.

The law also provides an opportunity for counsel for the defense to question the child before the trial at a special hearing in less formal circumstances than the courtroom setting, and the videotape of that examination may be admissible as cross examination. At a hearing which I convened prior to the trial, counsel for the defense, Ms. Barlow, was present and conducted her own examination of the child. Ms. Goodman, please show the court the videotaped interviews with Kim Woods.

(Female child's videodeposition is then shown)

(Ms. Forbes' interview recorded on videotape approximately two months after the allegation of sexual assault was first reported to the police.)

Interviewer : Ms. Forbes .. (Child Protection Assessment Board Psychologist)

(1) **Ms. Forbes :** Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a skipping competition at school. Do you like skipping ?

Kim : Yes.

(2) **Ms. Forbes :** Good.. I have a niece, a girl about your age , and she loves to skip. She's learning to skip backwards. Can you do that ?

Kim : (free response)

(3) **Ms. Forbes :** Tell me about some of the things you like to do when you're at home.

Kim : (free response .. bicycling, drawing, watching T.V)

(4) **Ms. Forbes :** And where do you go to school, Kim ?

Kim : At *Bellerive*.

(5) **Ms. Forbes :** And what sort of things do you like to do at school ?

Kim : (free response.. playing games, reading, listening to stories)

(6) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : *No, I walk. It's only a few streets away.*

(7) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : *No.*

(8) Ms. Forbes : So who lives at your place ?

Kim : *Just Mum. Dad used to be at home, but he moved out and lives at New Town now.*

(9) Ms. Forbes : How long ago did Dad move out ?

Kim : *Oh.. I dunno.. months ago .. I think it was just after Christmas .*

(10) Ms. Forbes : Sometime in January... about five months ago ?

Kim : *Hmm.. I think so.*

(11) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : *Yeah... a few times .*

(12) Ms. Forbes : About how often ?

Kim : *I used to spend every second weekend with him.*

(13) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : *No, there was just me and Dad there.*

(14) Ms. Forbes : Now, Kim, I want you to try and remember the last weekend you spent with your Dad. Do you remember that ?

Kim : *Yes.*

(15) Ms. Forbes : I would like you to tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat ?

Kim : *Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.*

(16) Ms. Forbes : You'd had cramp before, had you, Kim ?

Kim : Yes..

(17) Ms. Forbes : How did you make it go away ?

Kim : *Mum would rub my legs really hard... sometimes with oily stuff.*

(18) Ms. Forbes : What about the night you got cramp at your Dad's ? What did you do then ?

Kim : *I got out of bed and went into the next room, and Dad was watching T.V... and I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs. and then he rubbed my legs real hard... just like Mum does...
... and then he rubbed up higher.. (pause)
... He put his fingers in(pause) ...
... in my pussy...*

(19) Ms. Forbes : How did that feel ?

Kim : *Really bad . It hurt a lot.*

(20) Ms. Forbes : And what did you do ?

Kim : *I screamed out and told him to stop .*

(21) Ms. Forbes : What did Dad do then ?

Kim : *He started putting something bigger into me. I couldn't see because he was on top of me. It really really hurt .*

(22) Ms. Forbes : What happened then ?

Kim : *It was awful. He moved up and down a bit ... When he got up there was sticky stuff all over my legs. He wiped it off and put my pyjamas back on me .*

(23) Ms. Forbes : How did you feel afterwards ?

Kim : *Next day, I was still sore.*

(24) Ms. Forbes : Did you tell Dad you were still sore ?

Kim : *Yes, Dad said I should take a hot bath and he would buy me a chocolate .*

(25) Ms. Forbes : Did you tell anyone what happened ?

Kim : *No, not then. Dad said I shouldn't. He said I'd get into trouble and Mum would be mad with me .*

(26) Ms. Forbes : And later ? Did you tell anyone later ?

Kim : *Yes, I told Mum. I told her I didn't want to visit Dad any more. She said "why", so I told her about it .*

(27) Ms. Forbes : And what did she say ?

Kim : *She was really cross.*

(28) Ms. Forbes : Do you think she was really angry with you ?

Kim : *No, with Dad... I think.*

(29) Ms. Forbes : Kim, do you know what the word "vagina" means ?

Kim : *Yes.*

(30) Ms. Forbes : Is that what you mean when you talk about your "pussy" ?

Kim : *Yes.*

Ms. Forbes : Thank you, Kim. That's all I want to ask now .

(Questions for child from the defense counsel start here - second part of videodeposition)

Interviewer : Ms. Barlow (Counsel for the Defense)

(CE.1) Ms. Barlow : Kim, we have just watched a videotape of an interview that Ms. Forbes had with you. Do you remember when the interview took place ?

Kim : *Yes, a while ago.... few weeks ago.*

(CE.2) Ms. Barlow : And if Ms. Forbes were to ask you the same questions now, Kim, would you still give the same answers ?

Kim : *Yes.*

(CE.3) Ms. Barlow : Kim, on the night you were alone with Dad, you said you went to bed at nine o'clock. Is that right ?

Kim : *Yes.*

(CE.4) Ms. Barlow : Do you remember what time it was when you woke up ?

Kim : *No. I don't know .*

(CE.5) Ms. Barlow : Kim, do you often have dreams ?

Kim : *Yes.*

(CE.6) Ms. Barlow : And do you sometimes dream about people you know, like Mum and Dad ?

Kim : Yes.

(CE.7) Ms. Barlow : Have some of your dreams been happy dreams ?

Kim : Yes

(CE.8) Ms. Barlow : And have some of them been unhappy or nasty dreams ?

Kim : *Hmmm... yes.*

(CE.9) Ms. Barlow : Have you ever woken up in the middle of the night thinking that something terrible was happening... only to find that it was just a dream ?

Kim : *Yes... sometimes*

(CE.10) Ms. Barlow : And those dreams can be very real, can't they ?

Kim : Yes.

(CE.11) Ms. Barlow : And sometimes you can't tell whether it's a dream or real, can you ?

Kim : *Mmm !*

(CE.12) Ms. Barlow : Has your mother talked a lot with you about what happened ?

Kim : Yes.

(CE.13) Ms. Barlow : Do you sometimes make up stories when you're at school ?

Kim : *In the classroom.. yes . The teacher likes us to make up stories.*

(CE.14) Ms. Barlow : Do you sometimes make up stories that are not true ?

Kim : *Yes. The teacher likes us to make up stories.*

(CE.15) Ms. Barlow : And do you tell the teacher the stories you make up ?

Kim : *Yes.. and I write them down on paper.*

(CE.16) Ms. Barlow : Does the teacher like the stories you write ?

Kim : Yes

(CE.17) Ms. Barlow : Do you sometimes make up stories when you tell other people

Kim : *Sometimes.. but most of the time I tell the truth.*

(CE.18) Ms. Barlow : But you don't always tell the truth ?

Kim : *Only when I'm making up stories .*

(CE.19) Ms. Barlow : When you told your Mum you didn't want to visit your Dad any more, did you tell her everything that you have told Ms. Forbes ?

Kim :*Think so.*

(CE.20) Ms. Barlow : But, you might have said something different.

Kim : (Pause).. *Don't know.*

(CE.21) Ms. Barlow : Did you tell your Mum that your Dad had hurt you ?

Kim : *Yes.*

(CE.22) Ms. Barlow : And your Mum asked you questions about that ?

Kim : *Yes.*

(CE.23) Ms. Barlow : A lot of questions ?

Kim : *Yes.*

(CE.24) Ms. Barlow : Did she ask you if your dad had put something in your bottom

Kim : *Yes.*

(CE.25) Ms. Barlow : Had you already told her that... before she asked about it ?

Kim : *Yes, I think so .*

(CE.26) Ms. Barlow : Or did your Mum ask you if that was how Daddy had hurt you

Kim : *Don't know !*

(CE.27) Ms. Barlow : Your Mum was very angry when you told her your dad had hurt you, wasn't she ?

Kim : *Yes .*

(CE.28) Ms. Barlow ; What did she do ?

Kim : *She was yelling and yelling about Dad.... over and over.*

Ms. Barlow : Thank you, Kim. I don't wish to ask any more questions now .

(Mother's testimony)

Judge : Is that the end of the video-tape, Ms. Goodman ?

Ms. Goodman : Yes, your Honour. I now call Mrs. Wendy Woods.

(Mrs. Wendy Woods comes to the stand and is sworn in)

1. Are you Wendy Jane Woods, the mother of Kim Woods ?

Mrs. Woods : Yes, I am.

2. And are you the wife of the defendant, Paul Francis Woods ?

Mrs. Woods : Yes, but we are separated now.

3. Mrs. Woods, did your daughter speak to you about an incident that occurred between your husband and her some time ago ?

Mrs. Woods : Yes, she told me about a month after her last weekend visit to Paul's . She told me that she was frightened to go back and stay because her father had hurt her.

4. How did you react to what Kim told you ?

Mrs. Woods : I was shocked... and very angry.. I told her she wouldn't have to go to her father's any more.

5. So you did believe what Kim told you ?

Mrs. Woods : Yes, of course.... I've never known her to tell lies .

6. Mrs. Woods, did you examine Kim's genital area ?

Mrs. Woods : Well.. I did... but I couldn't really tell if it was so long after the

7. Yes, thank you, Mrs. Woods.. But you did take Kim to a doctor, didn't you ?

Mrs. Woods : Yes, that same day... it was a Friday.. I rang Dr. Brennan's office and asked to speak to him and told him I was concerned about Kim, and he said I should bring her straight in.... When I saw him, I told him what Kim had told me.

Ms. Goodman : Thank you, Mrs. Woods. If it please the Court.

Judge : Ms. Barlow ?

Ms. Barlow : Thank you , your Honour.

8. Ms. Barlow (cross-examining) : You have told the court that you believed what Kim told you. Did you have any doubts at all ?

Mrs. Woods : No.

9. Even though it was a full month after the alleged sexual assault before Kim disclosed anything to you ?

Mrs. Woods : Well.. I was upset that she'd left it so long, but I thought Paul must have bribed her or threatened her in some way to keep it secret.

10. In your years of married life with your husband, Mrs. Woods, have you any evidence that he has ever bribed or threatened your daughter to keep something secret ?
Mrs. Woods : *Well... (pause) ... no.*
11. And have you ever had, in your years of marriage to your husband, any indication of any sexual impropriety by him toward your daughter.
Mrs. Woods : *Well... no.. I haven't . Not when we were all together at home, but that doesn't mean ..*
12. Thank you, Mrs. Woods, just answer the question, please. Now, in the month between the time of this alleged assault and your daughter's disclosure did you not notice any signs of behavioural or emotional disturbance, perhaps.. disturbed sleep, anxietyanything of that nature.
Mrs. Woods : *Well, Kim has never been a very outgoing child.. keeps to herself a fair bit.. doesn't usually say a lot. I don't really remember.. I don't think I noticed anything very different about her in that month.*
13. Mrs. Woods, you are now separated from your husband. Your husband left about two months before the alleged sexual assault.. is that correct ?
Mrs. Woods : *Yes.. that's right.*
14. And how have you felt toward your husband since then ?
Mrs. Woods : *I don't know really.. I've had lots of feelings about it .. I certainly wasn't happy about the way things happened.*
15. Yet you allowed Kim to stay weekends with him ..usually, every second weekend, I believe ?
Mrs. Woods : *Well, I didn't think I had much choice. He said that he was entitled to have time with his daughter, and that if we didn't work out some proper time for her to visit and stay with him, he'd have to take me to court about it .*
16. I see... Now when Kim told you of the alleged assault, do you remember if she mentioned seeing her father's penis.
Mrs. Woods : *No... but I'm not sure if she'd know that word, anyway.*
17. Well, was there any word used that might have meant "penis".
Mrs. Woods : *Hmmm.. no... I think she said she was scared and kept her eyes closed... and what he put in was much bigger than fingers.*
18. Mrs. Woods, have you had the constant care of your daughter since she told you the story of this alleged incident.
Mrs. Woods : *.... I'm not sure what you mean.*
19. I mean.. has she been living just with you since that time.
Mrs. Woods : *Yes.*
20. And she has not visited with or communicated with her father since the weekend of the alleged assault, is that correct ?
Mrs. Woods : *Oh.. I've made sure she's had no contact with him.. anyway the Community Welfare people told me to make sure they didn't see each other.*

21. Mrs. Woods, have you spoken much with your daughter about this alleged incident ?

Mrs. Woods : *Oh.. a fair bit, I suppose... but only to help her feel better about everything that happened.*

22. Did someone from Community Welfare suggest that too ?

Mrs. Woods : *Well, they said I should continue to re-assure her and let her know I loved and trusted her... but I haven't been feeding her any ideas.. if that's what you're trying to suggest.*

Ms. Barlow : Thank you, your Honour.

Ms. Goodman : I don't wish to re-examine, your Honour.

Judge : You may step down, Mrs. Woods.

(Medical Doctor's testimony.)

Judge : Ms. Goodman.

Ms. Goodman : I call Dr. Gregory Brennan.

(Dr. Brennan comes to the stand and is sworn in)

1. (Ms. Goodman examining) : Your full name is Gregory James Brennan and you are a medical practitioner of Short Street, Lindisfarne ?

Dr. Brennan : *That's correct .*

2. Dr. Brennan, what was the first contact you had with Mrs. Woods in relation to this matter ?

Dr. Brennan : *She brought her daughter to see me for a consultation.*

3. Did you receive any information from Kim's mother prior to conducting your physical examination ?

Dr. Brennan : *She told me she had reason to believe her daughter had been sexually assaulted. She wanted her daughter examined.*

4. Were you advised that intercourse was alleged to have taken place ?

Dr. Brennan : *Yes.*

5. Did Mrs. Woods advise you as to when the intercourse was alleged to have occurred.

Dr. Brennan : *She said she thought it happened about a month previously, but Kim had only just told her about it.*

6. And what did your examination reveal ?

Dr. Brennan : *There was clear evidence that the hymen had been ruptured.*

7. Did you notify the Department of Community Welfare about this case, doctor ?

Dr. Brennan : *Yes, it's mandatory procedure for health professionals to notify Community Welfare in any cases of suspected abuse. I also discussed this with Mrs. Woods and explained what I was obliged to do in such cases.*

Ms Goodman : Thank you, Doctor. If it please your honour.

Judge : Ms. Barlow ?

8. **Ms. Barlow** (cross examining) : Dr. Brennan, you have just told us that Mrs. Woods informed you that she had reason to believe her daughter had been sexually assaulted about a month prior to your examination. Were you able to estimate approximately when the girl's hymen may have been ruptured ?

Dr. Brennan : *No, there was no sign of any bruising or lacerations in the genital area but that could be expected if there had been a month's delay between such an incident and my examination.*

9. The lack of bruising or other damage to the genital area might also, I assume, Doctor, be consistent with no incident of sexual assault ever occurring.

Dr. Brennan : *Well.. yes.*

10. You have told the court that the girls' hymen was not intact, but is it true to say, doctor, that there are reasons other than sexual penetration why that might be so ?

Dr. Brennan : *Well, yes.... the hymen in a girl can be incomplete for a number of reasons.*

11. So sexual intercourse may be only one possible cause of a ruptured hymen ?

Dr. Brennan : *That's correct.*

12. And from your examination you were not able to determine if the hymen was intact because sexual intercourse had taken place, or because of some other possible reason.

Dr. Brennan : *That's correct.*

Ms. Barlow : Thank you, your Honour.

Judge : Do you wish to re-examine, Ms. Goodman ?

Ms. Goodman : No, your Honour, may the witness be relieved ?

Judge : You may step down, Dr. Brennan.

Expert witness testimony
Court-appointed psychologist expert

Judge : Call Dr. Melton to the stand.

(1) Are you Dr. John Melton ?

Dr. Melton : Yes.

(2). And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's competence to give testimony.*

(3) Dr. Melton, you have been called into this court to give expert testimony... not as a witness for the prosecution, and not as a witness for the defense. Do you understand that ?

Dr. Melton : Yes, your Honour.

(4) Have you had any communication with either counsel for the defense or the prosecuting counsel or anyone acting on their behalf on any matter regarding this case ?

Dr. Melton : No.... I have not, your Honour.

(5) Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : Yes, your Honour.

(6) There are four separate matters I intend to raise with you, doctor, about children in general. The first of these concerns delayed reporting. In my experience on the bench, I have observed that most victims of a crime report it as soon as possible. Is it likely that a child, who is, say, a victim of sexual assault... might behave differently and not report the matter straight away.

Dr. Melton : *Yes, your Honour... in fact, it is very likely that a child in this situation would delay reporting or disclosing such matters. You see, relationships between adults and children involve power imbalances which make them different to relationships between adults, so it is quite likely that a child who is a victim of sexual assault will not behave as we might expect an adult to do in such a situation.*

In 1983 , Dr. Roland Summit identified a number of typical reactions of child victims of sexual abuse, one of which was delayed disclosure. Recently in America, researchers studied a large number of sexual abuse cases and found that in three quarters of the cases there had been lengthy delays in reporting the abuse.

- (7) Can you tell us why this might be so.... why children so commonly fail to tell anyone about incidents of sexual abuse ?

Dr. Melton : *There are a number of reasons why a child might delay telling anyone about such an incident . For example... fear of retaliation... threats or inducements to keep a secret... a feeling of guilt or self blame in the child.... fear of hurting a loved one.*

- (8) Doctor, from your knowledge of the research, can we expect children to provide complete and accurate accounts of events and incidents.... as complete and accurate as a normal adult might provide ?

Dr. Melton : *We need to clarify what sort of incidents we are asking children to recall. A lot of research has involved showing children slides or films, and the results of such studies may not be good indicators of children's capacities to report, say, sexual assaults in which they were victimized. There has been research into young children's memories of a short , playful interaction with an unfamiliar adult male, and when tested four or five days after the event, there were only minor differences between age groups... three year olds had poorer recall than six year olds, but the six year olds did as well as adults in answering objective questions and in identifying the man with whom they had interacted.*

In general, the conclusions from research are that while younger children may provide less complete accounts than older children and adults, the differences are small... and the accuracy of the accounts may not vary much at all with age.

- (9) I suppose it's possible, Dr. Melton, that a young child with, say, an active imagination, might sometimes have difficulty distinguishing between fact and fantasy. Has there been any research on children's abilities to distinguish between their memories of actual events on the one hand and those things which are mere figments of imagination on the other...

Dr. Melton: *There has, your Honour. Perhaps, I should say at the outset that there are circumstances under which adults sometimes confuse fact and fantasy. The important question, of course, is whether children have more difficulty than adults in distinguishing between memories for actual events and the products of their imaginations and thoughts. Piaget, a well-known developmental psychologist, believed, from his observations, that children can clearly and consistently distinguish between the real and the imaginary from about seven or eight years of age and recent research supports his beliefs about children's abilities.*

Some research findings have indicated that even children as young as six years can be as accurate as adults when asked to distinguish between memories of what they had said themselves and what someone else had said to them.

- (10) Well, doctor, the final question I'll put to you is whether a young child is more susceptible to suggestion than an adult ?

Dr. Melton : *The answer is not straightforward. Research indicates that both children and adults may be susceptible to the influence of suggested material, and the extent depends on the particular circumstances prevailing. Whether children are more susceptible than adults appears to depend on other factors as well as age..... such factors include the degree of suggestion; whether the information to be recalled was central or not in the incident; the strength of the memory; the status of the person asking the questions; the levels of intimidation and stress experienced by the child, and more.*

Some studies have found no evidence of increased suggestibility among children. In one study, subjects ranging in age from 5 to 22 witnessed a live confrontation and two weeks later, were asked to recall what happened. There were no age differences for accuracy of recall, and the children, even those as young as five, were no more susceptible to misleading information about the event than the adults.

- (11) Well, doctor, can you assist the court by giving us some conclusions which are a little more definite about the ages at which children may be unduly influenced by misleading information ?

Dr. Melton : *Taken together, the results of research in this area indicate that children under seven years of age may be particularly vulnerable to misinformation, but only when that information is concerned with relatively unimportant, peripheral details of events. When the information is a central part of the event, young children may not be any more susceptible than adults to suggestive influence.*

Research findings also indicate that stress tends to focus children's attention on central information, and would therefore lead to a decrease in suggestibility for such details... we could reasonably conclude by saying that if a child were involved in a stressful event, such as a sexual assault... even a child as young as three or four years would, in all likelihood, be no more susceptible to misleading information about the central details of the event, than an adult would be.

(Cross examination of expert witness)

Judge : Ms. Goodman, Do you wish to direct any questions to Dr. Melton ?

Ms. Goodman : No, your Honour.

Judge : Ms. Barlow, you may proceed with any questions the Defense would like to put to Dr. Melton ?

Ms. Barlow : If it please the Court. Doctor Melton, you have given the Court a number of conclusions drawn from psychological research. I put it to you that everything you've told us here today is based on group probability data. Has this any relevance to the individual child in this case, Kim Woods. Does it tell us anything about Kim's capabilities, Kim's ability to distinguish fact from fantasy, or Kim's susceptibility to suggestion ?

Dr. Melton : *It is true that I have not made any assessment of Kim's capabilities and I am in no position to make any statement about Kim as an individual, nor did the Court request that this be done. However, research has shown there are often discrepancies between the general public's beliefs about children's abilities and the findings from psychological studies of their abilities at different levels of development. I trust the information I provided might counter any misconceptions about children and help facilitate the jurors' task of weighing the child's evidence on its own merits, free of any misconceptions.*

Ms. Barlow : Are you suggesting, doctor, that the jurors in this case have wrong ideas about children's abilities ?

Dr. Melton : *I am in no position to say anything about the jurors, either individually or collectively.*

Ms. Barlow : But you are suggesting it's possible that some or all of the jurors have misconceptions about children, are you not ?

Dr. Melton : *From what we know of attitudes and beliefs in the general population, and assuming this panel of jurors is representative of that population, then the answer is yes, it is possible.*

Ms. Barlow : It's also possible, is it not, Dr. Melton, that you may have presented the Court with another set of misconceptions by selectively quoting particular research findings and not others.

Dr. Melton : *The research on each of the matters I mentioned earlier is extensive. I could, for example, spend a day informing the Court in detail of the research into just children's degrees of suggestibility. Clearly, this is not feasible and I have attempted to summarise in a succinct but comprehensive manner. The conclusions which I've presented are in accord with summaries from other reviews of the relevant literature.*

Ms. Barlow : You told us some findings about suggestibility. Is it not true that research has shown that children are much more suggestible when an adult supplies misleading information than when another child supplies the information ?

Dr. Melton : *One has to allow that in any age group there is a range of individual differences. Nevertheless, research has shown this can be the case but...*

Ms. Barlow (interrupting) : Just answer yes or no, doctor. I'll repeat the question for you. Are young children more vulnerable to the influence of misleading information when that information is supplied by an adult, rather than another child

Dr. Melton : *Yes, that can be so .*

Ms. Barlow : And, doctor, is it not also true that in one study several children in the 6 to 9 year age group who agreed with misleading information reported that they had "gone along" with the misleading suggestions because they thought that was what the adults wanted. Just answer yes or no .

Dr. Melton : *Well, that also can be so, but may I add something, your Honour ..*

Judge : As long as it's relevant to the question put to you by Counsel, you may go ahead, doctor.

Dr. Melton : *Thank you, your Honour. The point is that in studies of children's memories and their levels of suggestibility, there is an important distinction between the central events and the peripheral matters of little importance. With peripheral information, young children consistently display poorer recall and greater suggestibility, but this is not the case with central events which are important to the child.*

Ms. Barlow : You told the Court that children from about 7 or 8 years of age can distinguish between the real and the imaginary, but hasn't research shown that children as old as 9 may have difficulty distinguishing between what they did and what they imagined they did.

Dr. Melton : *Research indicates that with some children that may be true, but in general there was no difficulty for nine year old and younger children when it came to distinguishing between what they had seen others do and what they had imagined themselves doing. The point about children's imaginations, your Honour, is that children aged 7 and under do not have full capacity for abstract thought so their imaginative fantasies are based on actual experiences, and these fantasies are positive in tone, reflecting the child's wishful thinking. In fantasies, the child is a hero, not a victim. It is unlikely, therefore, that a child's description of sexual victimisation could be attributed to fantasy.*

Ms. Barlow : I gather that in any research into children's abilities, the individual differences within any single age group can be as extensive as the differences found between different age levels. So, when you tell us that generally children of a certain age are capable of this or that, we still cannot know whether Kim, the child in this case, is functioning at that level or below that level. It is possible that Kim may be very susceptible to suggestion even when the research shows that children generally at that age level are not.

Dr. Melton : *Well.. on any ability which we measure, there will be a range of differences, whether we are testing children at particular ages, or adults. What does emerge from the types of research which I've mentioned is an indication of what we can expect as normal or average levels of functioning for specific age groups.*

Ms. Barlow : Thank you, doctor. If it please the Court, I have no further questions.

Judge : Thank you, Dr. Melton, you may step down.

Defendant's Transcript

Judge Sealy : Do you have any submissions at this stage , Ms. Barlow ?

Ms. Barlow (Counsel for the Defense) : No, your Honour, I will be calling just one witness for the defense.. the accused. I call Paul Francis Woods.

(Mr. Woods comes to the stand and is sworn in)

1. Is your name Paul Francis Woods ?

Mr. Woods : Yes.

2. And you are 39 years old ?

Mr. Woods : Yes.

3. And where do you live ?

Mr. Woods : 16 Grasslands Crescent, New Town

4. How long have you lived there ?

Mr. Woods : About six months.

5. And for how long have you been married to Wendy Jane Woods ?

Mr. Woods : A bit more than ten years.

6. What is your occupation, Mr. Woods ?

Mr. Woods : I'm an accountant.

7. And do you work in Hobart ?

Mr. Woods : Well, my firm is based in Hobart but my company has traditionally offered a service to clients in the North and North-west of the state and also rural clients.

8. So your job entails some travelling ?

Mr. Woods : Yes, I am quite often away from home for two or three nights at a time.

9. How would you describe your marriage over the last four years.

Has it been happy ?

Mr. Woods : We've had our problems.. like all marriages, but in the year before I left things were pretty bad. I could put up with the arguments, but I finally left when I had reason to believe that Wendy was seeing another man when I was away on business trips.

10. Mr. Woods, leaving aside for the moment, the events of recent months, how would you describe the relationship you had with your daughter ?

Mr. Woods : Kim and I have always been very close.

11. Do you fully understand the allegation that has been made against you , with regard to Kim.

Mr. Woods : Yes, I do, and I'm disgusted. It's absolutely ridiculous !

12. You are denying any allegation of sexual assault or impropriety with your child, Kim Woods ?

Mr. Woods : *I most certainly am ! There's no way I'd do any of the things I've been accused of .*

13. Mr. Woods, I would like you to cast your mind back to the night in question, about three months ago. On that Saturday night about three months ago.. the last time Kim stayed with you.... do you remember what time your daughter went to bed ?

Mr. Woods : *Yes, about nine o'clock.*

14. Do you recall her waking up some time after that ?

Mr. Woods : *Yes, I was at my desk looking over some papers from work when she came in crying and told me her legs were hurting.*

15. I see, and were you aware that Kim had such pains on previous occasions ?

Mr. Woods : *Yes, I had seen Wendy rub Kim's legs vigorously to relieve the cramp, so I told Kim to go into the lounge room and lie down on the big cushions there.*

16. And what did you do then ?

Mr. Woods : *I got some oil that I'd seen Wendy use for massaging her legs and then went in to the lounge. I started to rub Kim's legs vigorously and tried to make her feel better by re-assuring her.*

17. How was she dressed while this was happening ?

Mr. Woods : *Well, she had been in pyjamas, and I had rolled up the pyjama legs to get access to her calf muscles, but when she said the pains were also up higher in the thigh area, I slipped her pyjama pants off to massage her upper legs properly.*

18. And is it possible, Mr. Woods, that you may have inadvertently made contact with her genitals whilst massaging her legs ?

Mr. Woods : *Well, I suppose it's possible, but I certainly don't remember doing so, and I certainly didn't do what Kim said I did in that interview.*

19. Do you know why Kim might have said those things ?

Ms. Goodman (Counsel for the Prosecution) : Your Honour, I must object. Ms. Barlow is asking Mr. Woods to speculate about the child's motives.

His Honour : Yes, Ms. Goodman. As someone with considerable experience in proper court procedure, Ms. Barlow, I would have thought you would know better . Please confine yourself to the facts of the case.

Ms. Barlow : Your honour, this is a matter of considerable gravity for my client. As you can see, he gives every indication of being both puzzled and distressed by the accusation and has undoubtedly had ample time since the allegation was made for reflecting on the matter. Nevertheless, I will proceed as you have directed.

20. So, Mr. Woods, do you recall how long you spent rubbing Kim's legs ?
Mr. Woods : *No, I don't know exactly. Probably about fifteen minutes, by which time Kim was asleep so I carried her back to bed.*
21. And that is all that happened ... nothing more ?
Mr. Woods : *Nothing more.. believe me.. nothing more.*
22. Mr. Woods, have you at any time ever tried to bribe or threaten your daughter to keep anything secret ?
Mr. Woods : *No..... absolutely not !*
- Ms. Barlow :** Thank you, you Honour. If it please the Court.
- His Honour :** Ms. Goodman ?
23. (Ms. Goodman- cross-examining) You have testified that your child, Kim, and yourself were on good terms over the last four years.
Mr. Woods : *Yes.. very good.*
24. Would you say that you were very fond of her ?
Mr. Woods : *Well, yes, I suppose so. But that doesn't mean I had sexual feelings toward her.*
25. You mentioned earlier that there had been problems in your marriage and you are now separated from your wife. Had you tried to do anything about those problems when you were with your wife?
Mr. Woods : *Yes, I wanted us to see someone together, but Wendy wouldn't go.*
26. When you say "see someone", do you mean a marriage counsellor ?
Mr. Woods : *Yes, but as I said, Wendy was reluctant to go and so things were getting worse not better.*
27. But your deteriorating relationship with your wife did not affect the way you felt about your daughter ?
Mr. Woods : *Oh no, far from it !*
28. You were just as fond of Kim ?
Mr. Woods : *Yes. In fact, I wanted to continue to see Kim regularly so she would understand that I still loved her, even though I could no longer live with her mother.*
29. Now on the night when the sexual assault was alleged to have occurred, you say you were rubbing Kim's legs all over and she was lying back on some cushions with only her pyjama top on.
Mr. Woods : *That's correct.*
33. And at the same time you had been living apart from your wife for at least two months. ?
Mr. Woods : *Look, I can see what you're trying to do, but you're wrong. There's no way I'd take advantage of Kim like that. I just rubbed her legs till she fell asleep and then put her to bed.*

34. And then you gave her some chocolate the next day ?

Mr. Woods : *Yes, that part of her story is true, but I was not trying to buy her secrecy. She'd had a bad night. I only wanted to give her something to lift her spirits...after the miserable night she'd had with cramps in the legs...and that's all.*

Ms. Goodman : Thank you, your Honour.

Judge : Do you wish to re-examine, Ms. Barlow ?

Ms. Barlow : No, your honour.

Judge : You may step down, Mr. Woods.

Ms. Barlow : (Closing address)

Members of the jury, you've heard the evidence. From the testimony of Dr. Brennan, who examined Kim, it is not clear that the child had sexual intercourse with anyone. There is also no evidence other than Kim's own statement as to the identity of any person who may have been involved. It is highly likely that Kim was influenced by suggestions from Mrs. Woods. Indeed you may well think that the idea that Mr. Woods was responsible came from Mrs. Wendy Woods, the child's mother.

You have heard Mr. Woods deny that he had sexual intercourse with Kim ; and his evidence was not shaken by cross-examination. In all the circumstances, I submit that there is insufficient evidence to satisfy you beyond reasonable doubt that Mr. Woods is guilty of this offence. I urge you to return a verdict of not guilty.

Judge : Thank you, Ms. Barlow. Ms. Goodman

Ms. Goodman (Closing address)

Thank you, your Honour.

Members of the jury, the accused stands charged of having sexual intercourse with a young person, in this case his own child, Kim Woods. You need only be satisfied that sexual intercourse took place, that Kim is under the age of 17 years, and that the accused is responsible. Kim's evidence is that sexual intercourse did indeed take place. There is no question that Kim is under 17 years of age. The question, therefore, is whether this accused had sexual intercourse with her. The defence have been able to point to no motive for Kim or her mother fabricating such a story against Mr. Woods. Therefore it is clearly open to you to find that this accused is guilty beyond reasonable doubt.

Judge (*instructions to jury if psych. expert testimony is not present*)

Men and women of the jury, the evidence is a matter for you to decide. The responsibility for the verdict is yours and yours alone. You should consider seriously the submissions which the counsels have made to you. You are free to reject them, but you must give them your serious attention.

The fact which the Crown must prove to your satisfaction, beyond reasonable doubt, is that Paul Francis Woods had sexual intercourse with the child, Kim Woods. Bear in mind that a child cannot be held responsible for the action of an adult. The responsibility for refraining from sex with a child lies wholly with the adult.

The question for you to consider is whether the facts have been proved, and your decisions on this question will be the foundation of your verdict. The ultimate decision is yours. Retire now and consider your verdict.

Judge (*instructions to jury if psychological expert testimony is present*)

Men and women of the jury, the evidence is a matter for you to decide. The responsibility for the verdict is yours and yours alone. You should consider seriously the submissions which the counsels have made to you. You are free to reject them, but you must give them your serious attention.

The fact which the Crown must prove to your satisfaction, beyond reasonable doubt, is that Paul Francis Woods had sexual intercourse with the child, Kim Woods. Bear in mind that a child cannot be held responsible for the action of an adult. The responsibility for refraining from sex with a child lies wholly with the adult.

You have heard the testimony of Dr. Melton, a psychologist. His testimony has provided the court with results from psychological studies which have investigated the behaviors displayed by children of various ages. Bear in mind that Dr. Melton's testimony is merely to provide information which you are free to use or reject in your decision making. You are the trier of fact and are solely responsible for any decisions you make.

The question for you to consider is whether the facts have been proved, and your decisions on this question will be the foundation of your verdict. The ultimate decision is yours. Retire now and consider your verdict.

Appendix 5.2 Trial transcript with male child witness

THE QUEEN VS. PAUL FRANCIS WOODS

Presiding Judge : His Honour, Justice Sealy

Counsel for the Prosecution : Ms. Goodman

Counsel for the Defense : Ms. Barlow

Witnesses :

Kim Woods (6 or 9 or 12 years) Victim of alleged sexual assault.

Wendy Jane Woods... mother of Kim Woods

Dr. Gregory Brennan.... Medical practitioner

Dr. Melton ... Psychological expert witness

Paul Francis Woods Defendant and father of Kim Woods

Order :	Boy's testimony
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Mother's testimony

Dr. Brennan's testimony

★ ★ ★ ★ ★

Dr. Melton's testimony

★ ★ ★ ★ ★ ★

Paul Woods' testimony

★ ★ ★ ★ ★

Counsels' closing remarks

Judge's instructions to jury

Judge Sealy : Ms. Goodman, I understand that the child in this case, Kim Woods, who has made the allegation of sexual assault will not be appearing in the courtroom, and that Kim's testimony has been prepared as a videotaped deposition. Is that correct ?

Ms. Goodman : That is so, your Honour.

Judge Sealy : I should explain to the members of the jury that Kim was interviewed by Ms. Forbes, a psychologist with the Child Protection Assessment Board. The law now allows for such an interview, if videotaped and subsequently deemed by a judge to be admissible as evidence, to stand as the examination in chief of the child.

The law also provides an opportunity for counsel for the defense to question the child before the trial at a special hearing in less formal circumstances than the courtroom setting, and the videotape of that examination may be admissible as cross examination. At a hearing which I convened prior to the trial, counsel for the defense, Ms. Barlow, was present and conducted her own examination of the child. Ms. Goodman, please show the court the videotaped interviews with Kim Woods.

(Male child's videodeposition is then shown)

(Ms. Forbes' interview recorded on videotape approximately one month after the allegation of sexual assault was first reported to the police.)

Interviewer : Ms. Forbes .. (Child Protection Assessment Board Psychologist)

(1) **Ms. Forbes :** Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a running competition at school. Do you like running ?

Kim : Yes.

(2) **Ms. Forbes :** Good.. I have a nephew, a boy about your age , and he loves to run. He likes to run long distances. Do you like that ?

Kim : (free response)

(3) **Ms. Forbes :** Tell me about some of the things you like to do when you're at home.

Kim : (free response .. bicycling, drawing, watching T.V)

(4) **Ms. Forbes :** And where do you go to school, Kim ?

Kim : At *Bellerive*.

(5) **Ms. Forbes :** And what sort of things do you like to do at school ?

Kim : (free response.. playing games, reading, listening to stories)

(6) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : *No, I walk. It's only a few streets away.*

(7) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : *No.*

(8) Ms. Forbes : So who lives at your place ?

Kim : *Just Mum. Dad used to be at home, but he moved out and lives at New Town now.*

(9) Ms. Forbes : How long ago did Dad move out ?

Kim : *Oh.. I dunno.. months ago .. I think it was just after Christmas .*

(10) Ms. Forbes : Sometime in January about five months ago ?

Kim : *Hmm .. I think so.*

(11) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : *Yeah... a few times .*

(12) Ms. Forbes : About how often ?

Kim : *I used to spend every second weekend with him.*

(13) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : *No, there was just me and Dad there.*

(14) Ms. Forbes : Now, Kim.. I want you to try and remember the last weekend you spent with your Dad. Do you remember that ?

Kim : *Yes.*

(15) Ms. Forbes : I would like you to tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat ?

Kim : *Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.*

(16) Ms. Forbes : You'd had cramp before, had you, Kim ?

Kim : Yes..

(17) Ms. Forbes : How did you make it go away ?

Kim : *Mum would rub my legs really hard... sometimes with oily stuff.*

(18) Ms. Forbes : What about the night you got cramp at your Dad's ? What did you do then ?

Kim : *I got out of bed and went into the next room, and Dad was watching T.V... and I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs. and then he rubbed my legs real hard... just like Mum does...
... and then he rubbed up higher.. (pause)
... He put his fingers in(pause) ...
... in my bottom....*

(19) Ms. Forbes : How did that feel ?

Kim : *Really bad . It hurt a lot.*

(20) Ms. Forbes : And what did you do ?

Kim : *I screamed out and told him to stop .*

(21) Ms. Forbes : What did Dad do then ?

Kim : *He started putting something bigger into me. I couldn't see because he was on top of me. It really really hurt .*

(22) Ms. Forbes : What happened then ?

Kim : *It was awful. He moved up and down a bit ... When he got up there was sticky stuff all over my legs. He wiped it off and put my pyjamas back on me .*

(23) Ms. Forbes : How did you feel afterwards ?

Kim : *Next day, I was still sore.*

(24) Ms. Forbes : Did you tell your Dad you were still sore ?

Kim : *Yes, Dad said I should take a hot bath and he would buy me a chocolate .*

(25) Ms. Forbes : Did you tell anyone what happened ?

Kim : *No, not then. Dad said I shouldn't. he said I'd get into trouble and Mum would be mad with me .*

(26) Ms. Forbes : And later ? Did you tell anyone later ?

Kim : *Yes, I told Mum. I told her I didn't want to visit Dad any more. She said "why", so I told her about it .*

(27) Ms. Forbes : And what did she say ?

Kim : *She was really cross.*

(28) Ms. Forbes : Do you think she was really angry with you ?

Kim : *No, with Dad... I think.*

Ms. Forbes : Thank you, Kim. That's all I want to ask now .

**(Questions from the defense counsel here -
Same as for female victim / witness)**

**Mother's script (Male child)
Same as for female victim / witness but with male pronouns used**

Doctor's transcript..(for Male child)

Judge : Ms. Goodman ?

Ms. Goodman : I call Dr. Gregory Brennan.

(Dr. Brennan comes to the stand and is sworn in)

1. (Ms. Goodman examining) : Your full name is Gregory James Brennan and you are a medical practitioner of Short Street, Lindisfarne ?

Dr. Brennan : *That's correct .*

2. Dr. Brennan, what was the first contact you had with Mrs. Woods in relation to this matter ?

Dr. Brennan : *She brought her son to see me for a consultation.*

3. Did you receive any information from Kim's mother prior to conducting your physical examination ?

Dr. Brennan : *She told me she had reason to believe her son had been sexually assaulted. She wanted him examined.*

4. Were you advised that intercourse was alleged to have taken place ?

Dr. Brennan : *Yes.*

5. Did Mrs. Woods advise you as to when the intercourse was alleged to have occurred.

Dr. Brennan : *She said she thought it happened about a month previously, but Kim had only just told her about it.*

6. And what did your examination reveal ?

Dr. Brennan : *There was clear evidence of abrasions in the anal area.*

7. Did you notify the Department of Community Welfare about this case, doctor ?

Dr. Brennan : *Yes, it's mandatory procedure for health professionals to notify Community Welfare in any cases of suspected abuse. I also discussed this with Mrs. Woods and explained what I was obliged to do in such cases.*

Ms Goodman : Thank you, Doctor. If it please your honour.

Judge : Ms. Barlow ?

8. **Ms. Barlow** (cross examining) : Dr. Brennan, you have just told us that Mrs. Woods informed you that she had reason to believe her son had been sexually assaulted about a month prior to your examination. Were you able to estimate approximately when these abrasions may have occurred ?

Dr. Brennan : *No, the abrasions were slight but that could be expected if there had been a month's delay between such an incident and my examination.*

9. And is it true to say, doctor, that the abrasions to the anal area might have come about without any incident of sexual assault occurring ?

Dr. Brennan : *Well.. yes.*

10. You have told the court that there were abrasions in the anal area, are there reasons other than sexual penetration why that might be so ?

Dr. Brennan : *Well, yes.... the abrasions may have come about for a number of reasons, for example, severe constipation can have that result.*

11. So sexual intercourse may be only one possible cause for anal abrasions ?

Dr. Brennan : *That's correct.*

12. And from your examination you were not able to determine if there were anal abrasions because sexual intercourse had taken place, or because of some other possible reason.

Dr. Brennan : *That's correct.*

Ms. Barlow : Thank you, your Honour.

Judge : Do you wish to re-examine, Ms. Goodman ?

Ms. Goodman : No, your Honour, may the witness be relieved ?

Judge : You may step down, Dr. Brennan.

(Psychologist's expert testimony here same as for female child)

Defendant's Transcript (same as for female child but with male pronouns used)

(Closing addresses for both counsels and Judge's instructions are the same as in the female child trial, with male pronouns used.)

Appendix 6

Expert witness testimony with expert as Witness for the Prosecution

Testimony used In Experiment 2

**(as one level of manipulation of the
expert role variable)**

Appendix 6 Expert witness testimony with expert as witness for the Prosecution

Ms. Goodman : I call Dr. John Melton to the stand.

(Dr. Melton comes to the stand and is sworn in)

(1) Ms. Goodman : Are you Dr. John Melton ?

Dr. Melton : Yes.

(2) Ms. Goodman : And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's competence to give testimony.*

(3) Ms. Goodman : Dr. Melton, you have been called into this court as a witness for the prosecution. Do you understand that you are to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : Yes.

(4) Ms. Goodman : There are four separate matters I intend to raise with you, doctor, about children in general. Firstly, would a child who is a victim of a sexual assault report the incident straight away ?

Dr. Melton : *Yes.. in fact, it is very likely that a child in this situation would delay reporting or disclosing such matters. You see, relationships between adults and children involve power imbalances which make them different to relationships between adults, so it is quite likely that a child who is a victim of sexual assault will not behave as we might expect an adult to do in such a situation.*

In 1983 , Dr. Roland Summit identified a number of typical reactions of child victims of sexual abuse, one of which was delayed disclosure. Recently in America, researchers studied a large number of sexual abuse cases and found that in three quarters of the cases there had been lengthy delays in reporting the abuse.

(5) Ms. Goodman : Can you tell us why this might be so.... why children so commonly fail to tell anyone about incidents of sexual abuse ?

Dr. Melton : *There are a number of reasons why a child might delay telling anyone about such an event . For example... fear of retaliation... threats or inducements to keep a secret... a feeling of guilt or self blame in the child.... fear of hurting a loved one.*

(9) Doctor, from your knowledge of the research, can we expect children to provide complete and accurate accounts of events and incidents.... as complete and accurate as a normal adult might provide ?

Dr. Melton : *We need to clarify what sort of incidents we are asking children to recall. A lot of research has involved showing children slides or films, and the results of such studies may not be good indicators of children's capacities to report, say, sexual assaults in which they were victimized. There has been research into young children's memories of a short, playful interaction with an unfamiliar adult male, and when tested four or five days after the event, there were only minor differences between age groups... three year olds had poorer recall than six year olds, but the six year olds did as well as adults in answering objective questions and in identifying the man with whom they had interacted.*

In general, the conclusions from research are that while younger children may provide less complete accounts than older children and adults, the differences are small... and the accuracy of the accounts may not vary much at all with age.

(7) Ms. Goodman : *Has there been any research on children's abilities to distinguish between their memories of actual events on the one hand and those things which are mere figments of imagination on the other...*

Dr. Melton : *There has... Perhaps, I should say at the outset that there are circumstances under which adults sometimes confuse fact and fantasy. The important question, of course, is whether children have more difficulty than adults in distinguishing between memories for actual events and the products of their imaginations and thoughts. Piaget, a well-known developmental psychologist, believed, from his observations, that children can clearly and consistently distinguish between the real and the imaginary from about seven or eight years of age and recent research supports his beliefs about children's abilities.*

Some research findings have indicated that even children as young as six years are as accurate as adults when asked to distinguish between memories of what they had said themselves and what someone else had said to them.

(8) Ms. Goodman : *Well, doctor, is a young child is more susceptible to suggestion than an adult ?*

Dr. Melton : *The answer is not straightforward. Research indicates that both children and adults may be susceptible to the influence of suggested material, and the extent depends on the particular circumstances prevailing. Whether children are more susceptible than adults appears to depend on other factors as well as age..... such factors include the degree of suggestion; whether the information to be recalled was central or not in the incident; the strength of the memory; the status of the person asking the questions; the levels of intimidation and stress experienced by the child, and more.*

Some studies have found no evidence of increased suggestibility among children. In one study, subjects ranging in age from 5 to 22 witnessed a live confrontation and two weeks later, were asked to recall what happened. There were no age differences for accuracy of recall, and the children, even those as young as five, were no more susceptible to misleading information about the event than the adults.

(9) Ms. Goodman : Can you be a little more definite about the ages at which children may be unduly influenced by misleading information ?

Dr. Melton : *Taken together, the results of research in this area indicate that children under seven years of age may be particularly vulnerable to misinformation, but only when that information is concerned with relatively unimportant, peripheral details of events. When the information is a central part of the event, young children may not be any more susceptible than adults to suggestive influence.*

Research findings also indicate that stress tends to focus children's attention on central information, and would therefore lead to a decrease in suggestibility for such details... we could reasonably conclude by saying that if a child were involved in a stressful event, such as a sexual assault... even a child as young as three or four years would, in all likelihood, be no more susceptible to misleading information about the central details of the event, than an adult would be.

Ms. Goodman : Thank you, Dr. Melton. I have no further questions, your Honour.

(Cross examination of expert witness)

Judge : Ms. Barlow, you may proceed with any questions the Defense would like to put to Dr. Melton ?

Ms. Barlow : If it please the Court. Doctor Melton, you have given the Court a number of conclusions drawn from psychological research. I put it to you that everything you've told us here today is based on group probability data. Has this any relevance to the individual child in this case, Kim Woods. Does it tell us anything about Kim's capabilities, Kim's ability to distinguish fact from fantasy, or Kim's susceptibility to suggestion ?

Dr. Melton : *It is true that I have not made any assessment of Kim's capabilities and I am in no position to make any statement about Kim as an individual, nor did the Court request that this be done. However, research has shown there are often discrepancies between the general public's beliefs about children's abilities and the findings from psychological studies of their abilities at different levels of development. I trust the information I provided might counter any misconceptions about children and help facilitate the jurors' task of weighing the child's evidence on its own merits, free of any misconceptions.*

Ms. Barlow : Are you suggesting, doctor, that the jurors in this case have wrong ideas about children's abilities ?

Dr. Melton : *I am in no position to say anything about the jurors, either individually or collectively.*

Ms. Barlow : But you are suggesting it's possible that some or all of the jurors have misconceptions about children, are you not ?

Dr. Melton : *From what we know of attitudes and beliefs in the general population, and assuming this panel of jurors is representative of that population, then the answer is yes, it is possible.*

Ms. Barlow : It's also possible, is it not, Dr. Melton, that you may have presented the Court with another set of misconceptions by selectively quoting particular research findings and not others.

Dr. Melton : *The research on each of the matters I mentioned earlier is extensive. I could, for example, spend a day informing the Court in detail of the research into just children's degrees of suggestibility. Clearly, this is not feasible and I have attempted to summarise in a succinct but comprehensive manner. The conclusions which I've presented are in accord with summaries from other reviews of the relevant literature.*

Ms. Barlow : You told us some findings about suggestibility. Is it not true that research has shown that children are much more suggestible when an adult supplies misleading information than when another child supplies the information ?

Dr. Melton : *One has to allow that in any age group there is a range of individual differences. Nevertheless, research has shown this can be the case but...*

Ms. Barlow (interrupting) : Just answer yes or no, doctor. I'll repeat the question for you. Are young children more vulnerable to the influence of misleading information when that information is supplied by an adult, rather than another child ?

Dr. Melton : *Yes, that can be so .*

Ms. Barlow : And, doctor, is it not also true that in one study several children in the 6 to 9 year age group who agreed with misleading information reported that they had "gone along" with the misleading suggestions because they thought that was what the adults wanted. Just answer yes or no .

Dr. Melton : *Well, that also can be so, but may I add something, your Honour ...*

Judge : As long as it's relevant to the question put to you by Counsel, you may go ahead, doctor.

Dr. Melton : *Thank you, your Honour. The point is that in studies of children's memories and their levels of suggestibility, there is an important distinction between the central events and the peripheral matters of little importance. With peripheral information, young children consistently display poorer recall and greater suggestibility, but this is not the case with central events which are important to the child.*

Ms. Barlow : You told the Court that children from about 7 or 8 years of age can distinguish between the real and the imaginary, but hasn't research shown that children as old as 9 may have difficulty distinguishing between what they did and what they imagined they did.

Dr. Melton : *Research indicates that with some children that may be true, but in general there was no difficulty for nine year old and younger children when it came to distinguishing between what they had seen others do and what they had imagined themselves doing. The point about children's imaginations , your Honour, is that children aged 7 and under do not have full capacity for abstract thought so their imaginative fantasies are based on actual experiences, and these fantasies are positive in tone, reflecting the child's wishful thinking. In fantasies, the child is a hero, not a victim. It is unlikely, therefore, that a child's description of sexual victimisation could be attributed to fantasy.*

Ms. Barlow : I gather that in any research into children's abilities, the individual differences within any single age group can be as extensive as the differences found between different age levels. So, when you tell us that generally children of a certain age are capable of this or that, we still cannot know whether Kim, the child in this case, is functioning at that level or below that level. It is possible that Kim may be very susceptible to suggestion even when the research shows that children generally at that age level are not.

Dr. Melton : *Well.. on any ability which we measure, there will be a range of differences, whether we are testing children at particular ages, or adults. What does emerge from the types of research which I've mentioned is an indication of what we can expect as normal or average levels of functioning for specific age groups.*

Ms. Barlow : Thank you, doctor. If it please the Court, I have no further questions.

Judge : Thank you, Dr. Melton, you may step down.

Appendix 7

Jurors' forms for Experiment 4

Appendix 7.1 Juror recruitment form

Appendix 7.2 Pre-trial survey

Appendix 7.3 Juror Instructions

**CAN YOU HELP BY GIVING TIME TO SOME
INTERESTING RESEARCH !**

I am conducting research at the University of Tasmania into problems faced by child witnesses in criminal trials, particularly cases involving allegations of sexual assault. A major part of my research is concerned with producing brief simulations of criminal trials on videotape, and then showing these tapes to groups of six people acting as jurors. The "jurors" then discuss what they have seen, and give an indication of their impressions by various ratings on paper. The jurors' deliberations are also videotaped for later analysis of content. It is important to obtain jurors from the general population, and this is why I'm asking for your assistance.

If you are willing to help, I would like you to first complete both the "expression of interest" and the questionnaire that came with this letter, and then return both to me at the Psychology Department in the envelope provided. Please ensure that you put your name and phone number on the expression of interest form, so that I can phone you and arrange a night for you to come in to the University and act as a juror. The jury sessions begin at 7 p.m. on week-nights and will be conducted throughout July and August. There may be some sessions during the day for those who would find this more convenient. You will be required to attend **only once**. The duration of the session should be about two hours, and you will be paid \$20 for your attendance.

I think you will find it interesting, and you will have contributed to what I anticipate will be valuable research in the area. When this series of studies is finished, a summary of the findings will be available on request. No person who assists as a juror will be identified at any time in my report, so complete confidentiality is assured. On the back of this sheet is a map showing where to come to at the University, so please **keep this form** and return just two things to me in the envelope provided...

- (1) the completed expression of interest and,
- (2) the questionnaire.

With thanks,

Michael Crowley, Psychology Department, University of Tasmania

7. The closer the relationship between the abuser and the child victim, the longer it will take the child to report the sexual abuse.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

8. Children who retract their stories about sexual abuse were probably lying in the first place.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

9. **Psychologists are able to identify when a child 8 or 9 years old is lying about being sexually abused.**

strongly disagree x _ x _ x _ x _ x _ x _ x _ x **strongly agree**

neutral

10. Steps should be taken to increase the conviction rate in child sexual abuse cases.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

11. The majority of child sexual abuse cases involve a relative or step-parent of the child.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

12. The legal system should not be involved in cases where there is sexual abuse within a family.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x **strongly agree**

neutral

13. If I saw the testimony of a child aged 8 or 9, who claimed to have been sexual abused, I would be able to tell if the child were lying.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x **strongly agree**

neutral

14. Children aged 8 or 9 can be easily manipulated into giving false reports of sexual abuse.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x **strongly agree**

neutral

15. In the current social climate, it is almost impossible for a person accused of child sexual abuse to get an impartial trial.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

16. The memories of children aged 8 or 9 for emotionally traumatic events are not as accurate as adults.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

17. Medical experts cannot usually tell if a child has been sexually abused.

strongly disagree x _ _ x _ _ x _ _ x _ _ x _ _ x _ _ x strongly agree
 neutral

18. Children aged 8 or 9 have no difficulty in distinguishing fantasy from reality.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

19. After sexual abuse prevention training, children are likely to misinterpret harmless expressions of affection by adults as sexual abuse.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

20. In a child sexual abuse case, a psychologist who is appointed by the court to testify is more likely to be honest than one who testifies for the prosecution or the defense.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

21. Delays in reporting child sexual abuse to the police or other authorities are quite common.

strongly disagree x _ x _ x _ x _ x _ x _ x _ x strongly agree
 neutral

22. In a child sexual abuse case, a psychologist who is appointed by the court is more likely to acknowledge shortcomings in the research literature than one who testifies for the prosecution or the defense.

strongly disagree x__x__x__x__x__x__x__x__x strongly agree
neutral

23. If an offence cannot be proved in a court of law it has not, in effect, been committed.

strongly disagree x__x__x__x__x__x__x__x__x strongly agree
neutral

24. Child sexual abuse cases are among the most difficult cases for prosecuting charges successfully and securing convictions.

strongly disagree x__x__x__x__x__x__x__x__x strongly agree
neutral

25. Those convicted of child sexual abuse should be placed in a treatment programme, rather than punished.

strongly disagree x__x__x__x__x__x__x__x__x strongly agree
neutral

CHILDREN'S TESTIMONY IN SEXUAL ABUSE CASES.

Supervisors : M.G. O'Callaghan and P.J. Ball

Researcher : M. Crowley, Dept. of Psychology, University of Tasmania

INSTRUCTIONS FOR JURORS

The aim of the experimentation is to assess the credibility of certain witnesses in cases of child sexual assault. As a "juror", you will be required to be one of a panel of six, watching a videotape of approximately fifty minutes duration, involving an allegation of child sexual abuse. The videotape is a simulated reconstruction of a sexual abuse case in the Supreme Court.

The trial involves allegations made by the child, Kim. The alleged perpetrator is her father, Paul Woods. The defendant has been charged with aggravated sexual assault, and also with the crime of sexual intercourse with a young person. The precise legal definitions of these charges will be made clear by the judge.

After you have viewed the trial there are some ratings to be completed individually, on paper. Then, as a panel, you will deliberate as a jury would do at a criminal trial. The initial deliberation period will be for thirty minutes. If the jury has not reached a unanimous verdict on both charges at the end of the thirty minute period, you will be asked to deliberate for a further fifteen minutes, but no longer than that, so the total maximum deliberation time will be forty five minutes. The deliberation process will be videotaped, so that aspects of the discussion may be analysed statistically.

In the videotaping of this reconstruction, the camera was kept in a stationary position while the child's statement was being taken and while the cross examination was conducted. The camera also remained stationary throughout the videotaping of the trial. You may notice occasional editing jumps in the videotape ... these were unavoidable as certain cuts had to be made for ethical and/or legal reasons. It is suggested that, as far as possible, you should try to ignore the jumps.

The project team have given an assurance of confidentiality to those actors who played the roles in the simulated trials, and you are asked to respect this assurance, by not disclosing the real identity of any actor at any time. We would ask you to keep in mind that this is a simulated trial, and those acting in the simulation are merely playing the parts required. However, we would ask that you approach your task as a "juror" with serious and careful thought as you would if you were called for jury service in a real criminal trial.

To ensure confidentiality for all participants, both actors and "jurors", the videotapes of the simulated trials and the jury deliberations will be erased at the conclusion of this research. We thank you for your participation in this research.

M. Crowley (Researcher)

Appendix 8

Jurors' forms used in Experiment 4

Appendix 8.1 Juror pre-deliberation rating sheets

Appendix 8.2 Recognition recall questions - case facts

Appendix 8.3 Recognition recall questions - psychological expert testimony

Appendix 8.3 CBCA criteria

Appendix 8.4 Questions for jurors relating to CBCA criteria

With regard to the alleged abuse, how likely is it that the child misinterpreted the defendant's action ?

X_____X_____X_____X_____X_____X_____X_____X_____X
very likely neutral very unlikely

Using a percentage scale from 0% (highly unlikely) up to 100% (highly likely) how likely do you think it is that the defendant touched Kim's genitals unintentionally and Kim then somehow misinterpreted what happened ?%

Using a percentage scale from 0% (highly unlikely) up to 100% (highly likely) how likely do you think it is that the defendant did penetrate Kim's vagina with his finger or fingers ? %

Using a percentage scale from 0% (highly unlikely) up to 100% (highly likely) how likely do you think it is that the defendant did penetrate Kim's vagina with his penis, to even the least extent ? %

To what extent did the mother's testimony strengthen the child's evidence ?

X_____X_____X_____X_____X_____X_____X_____X_____X
very little neutral very much

To what extent did the medical doctor's evidence strengthen the child's evidence ?

X_____X_____X_____X_____X_____X_____X_____X_____X
very little neutral very much

Overall, how credible was the child witness ?

X_____X_____X_____X_____X_____X_____X_____X_____X
not credible neutral very
at all credible

How credible was the mother ?

X_____X_____X_____X_____X_____X_____X_____X_____X
not credible neutral very
at all credible

How credible was the defendant ?

X_____X_____X_____X_____X_____X_____X_____X_____X
not credible neutral very
at all credible

What features of the child's testimony did you find particularly convincing

.....
.....
.....

What features of the child's testimony did you find particularly unconvincing ?

.....
.....
.....

You heard Dr. Melton, a psychologist with extensive knowledge of the research on children's abilities and development give expert testimony. How helpful was this expert testimony to you ?

X____X____X____X____X____X____X____X____X
not at all neutral very
helpful helpful

How scientific was this expert testimony ?

X____X____X____X____X____X____X____X____X
not at all neutral very
scientific scientific

How relevant was the psychologist's expert testimony ?

X____X____X____X____X____X____X____X____X
not at all neutral very
relevant relevant

How understandable was the psychologist's expert testimony ?

X____X____X____X____X____X____X____X____X
not at all neutral very
understandable understandable

The psychologist was instructed to answer all questions in an impartial manner. How well do you think he did this ?

X____X____X____X____X____X____X____X____X
not at all well neutral very well

How confident was the psychologist ?

X _ _ _ X _ _ _ X _ _ _ X _ _ _ X _ _ _ X _ _ _ X _ _ _ X _ _ _ X

not at all neutral very confident
confident

How honest was the psychologist ?

X X X X X X X X X

not at all neutral very honest
honest

How competent was the psychologist ?

X _ _ X _ _ X _ _ X _ _ X _ _ X _ _ X _ _ X

not at all neutral very competent
competent

How credible was the psychologist ?

x _ _ _ x _ _ _ x _ _ _ x _ _ _ x _ _ _ x _ _ _ x _ _ _ x _ _ _ x

not at neutral very credible

credible

How intelligent was the psychologist ?

X ——— X ——— X ——— X ——— X ——— X ——— X ——— X

not at all neutral very intelligent

intelligent

How trustworthy was the psychologist ?

X-----X-----X-----X-----X-----X-----X-----X-----X
not at all neutral very trustworthy
trustworthy

The psychologist acknowledged that there may be some shortcomings in the research he spoke about. How serious do you think these gaps in the research are ?

X — X — X — X — X — X — X — X — X

not at all neutral very serious

serious

Thinking about the trial as a whole, how interested were you in the trial

X — X — X — X — X — X — X — X — X

not at all neutral very interested

interested

X — X — X — X — X — X — X — X — X

not at all neutral very fair

fair

How many years experience have you had in rearing children ?

How many years of education have you had altogether?

B) . Number of years of education after leaving High school or Matric.
.....

The child, Kim Woods

The mother, Wendy Woods

The medical doctor, Dr. Brennan

The psychologist, Dr. Melton

The defendant, Paul Woods

Beside each of the above witnesses, show the **approximate percentage** that each of these testimonies had in influencing your final verdicts.

(Please be sure your total is 100%)

Finally what is your verdict on the charge of aggravated sexual assault.

(Circle one.) **G guilty** / **N Not guilty**

How confident are you in this verdict ?

very unsure x x x x x very certain

★ ★

What is your verdict on the charge of
sexual intercourse with a young person ?

(Circle one.) Gully / Not gully

How confident are you in this verdict ?

very unsure x____x____x____x____x very certain

We thank you for your participation. There are just a few questions now to see what you recall about the information presented at the trial, and after that the deliberation with your fellow jurors will begin.

M. Crowley (Researcher)

Appendix 8.2 Recognition recall of case facts (Experiment 4)

JUROR NUMBER RECALL OF CASE FACTS

PLEASE READ THROUGH THESE 12 ITEMS CONCERNING THE TRIAL, CAREFULLY.

Please circle "Yes" if the item was part of the information presented in the trial.

Please circle "No" if the item was not part of the information presented in the trial.

Keep in mind that you are not being asked whether you think the statement in each item is true or false, but simply whether it was part of the evidence presented or not.

1. According to Mrs. Wendy Woods, she did not have any doubts about Kim's story of being sexually assaulted.

Yes / No

2. According to Kim Woods, she admitted that she may have misinterpreted what was an unintentional touch to her genitals.

Yes / No

3. According to Dr. Brennan, the rupturing of Kim's hymen was a clear indication that sexual abuse had occurred.

Yes / No

4. According to Mr. Paul Woods, he had wanted to see a marriage counsellor with his wife, Wendy, but she had been reluctant to go.

Yes / No

5. According to Kim Woods, the "sticky stuff" on her legs was not like the oil her father used.

Yes / No

6. According to Mr. Paul Woods, he did roll up the legs of Kim's pyjamas but he did not take her pyjama pants off.

Yes / No

7. According to Dr. Brennan, the lack of bruising or other damage to Kim's genital area might have been consistent with no sexual assault occurring.

Yes / No

8. According to Mr. Paul Woods, he massaged Kim's legs with the oil that he'd seen his wife using for that purpose.

Yes / No

9. According to Mrs. Wendy Woods, Kim did tell her that she had seen her father's penis at the time of the alleged incident.

Yes / No

10. According to Kim Woods, she often woke up at night thinking that something terrible was happening only to find it was just a dream.

Yes / No

11. According to Mr. Paul Woods, he admitted that he was very fond of his daughter.

Yes / No

12. According to Kim Woods, she placed some cushions together on the floor when her father said she should lie down while he got some oil.

Yes / No

**Appendix 8.3.1 Recognition recall of psychological expert testimony
(Children's general cognitive abilities)**

**PSYCHOLOGIST'S EXPERT TESTIMONY
General cognitive abilities**

1. According to Dr. Melton, in about half of all sexual abuse cases there are no lengthy delays in reporting the abuse.

Yes / No

2. According to Dr. Melton, if a five year old were involved in a stressful event, the child is no more likely to be misled on the central details of the event than an adult would be.

Yes / No

3. According to Dr. Melton, Piaget's research with children showed that children could usually not distinguish between the real and the imaginary before age 9.

Yes / No

4. According to Dr. Melton, the extent to which a child is susceptible to suggestion does not depend on the status of the person asking the questions.

Yes / No

5. According to Dr. Melton, one of the reasons that a child might delay reporting a sexually abusive incident is because the child fears that a loved one may be hurt.

Yes / No

6. According to Dr. Melton, in one experiment there were no significant differences between six year old children and adults when they had to identify an unfamiliar man with whom they had interacted.

Yes / No

**Psychologist's expert testimony
(General cognitive abilities)**

Answers (not shown on sheet)

1. No
2. Yes
3. No
4. No
5. Yes
6. Yes

**Appendix 8.3.2 Recognition recall of psychological expert testimony
(Psychological & behavioural consequences of sexual abuse)**

**PSYCHOLOGIST'S EXPERT TESTIMONY
Psychological consequences**

1. According to Dr. Melton, psychologists have found that, generally in sexual abuse cases, the closer the relationship between the offender and the child the more serious is the negative impact on the child.

Yes / No

2. According to Dr. Melton's testimony on child victims, there is little difference between the behavioural changes likely after a single incident of sexual assault and the behavioural changes likely after repeated molestations.

Yes / No

3. According to Dr. Melton, the symptoms which Kim displayed, and which might be expected in a child who had been sexually assaulted, were raised anxiety, sleep disturbance and social withdrawal, and he observed no other signs or symptoms in Kim.

Yes / No

4. According to Dr. Melton, the psychological problems which Kim displayed might have been the result of her reactions to her parents' separation.

Yes / No

5. According to Dr. Melton, increased anxiety is always a consequence in children who have been sexually abused.

Yes / No

6. According to Dr. Melton, one of the characteristic signs of repeated molestation of a child is that the child makes sexual advances towards adults and other children.

Yes / No

**Psychologist's expert testimony
(Psychological consequences)**

Answers (not shown on sheet)

1. Yes
2. No
3. No
4. Yes
5. No
6. Yes

**Appendix 8.3.3 Recognition recall of psychological expert testimony
(Statement Validity Analysis)**

**PSYCHOLOGIST'S EXPERT TESTIMONY
Statement Validity Analysis**

1. According to Dr. Melton, psychologists are able to accurately assess the general credibility of a child.

Yes / No

2. According to Dr. Melton, a child's admission of lack of memory is an indicator that the child's statement is fabricated.

Yes / No

3. According to Dr. Melton, the use of certain criteria to assess the quality of a statement originated in Sweden in the 1950's.

Yes / No

4. According to Dr. Melton, reproduction of conversation in a child's statement indicates that the child is actively recalling memory of an experienced event.

Yes / No

5. According to Dr. Melton, when scoring whether the content criteria are present or absent in a statement, it is not advisable to think in terms of a final cut-off score which divides statements about experienced events from statements about fictitious events.

Yes / No

6. According to Dr. Melton, in the American study of actual sexual abuse cases which he mentioned, the researchers found that there was no overlap between the scores for the "doubtful" statements and the scores for the "confirmed statements."

Yes / No

**Psychologist's expert testimony
(Statement Validity Analysis)**

Answers (not shown on sheet)

1. No
2. No
3. No
4. Yes
5. Yes
6. Yes

Appendix 8.4 The CBCA criteria
(from Raskin & Esplin, 1991)

Content Criteria for Statement Analysis

General Characteristics

1. Logical structure. The statement is coherent & logical. The segments fit together.
2. Unstructured production. Descriptions are unconstrained, and report is somewhat unorganized.
3. Quantity of details. Specific descriptions of time, place, persons, objects and events.

Specific Contents

4. Contextual embedding. Events are placed in spatial and temporal context. The action is connected to other incidental events such as routine daily events
5. Description of Interactions. Reports of actions, reactions & conversations.
6. Reproduction of speech. Conversation reported in its original form.
7. Unexpected complications. An unplanned interruption or unexpected complication.
8. Unusual details. Details of persons objects or events that are unusual, yet meaningful.
9. Superfluous details. Peripheral details that are related to the situation but do not contribute directly to the allegation.
10. Accurately reported details misunderstood. Objects or events which are described correctly by the child but interpreted incorrectly.
11. Related external associations. Reference to a sexually-toned event or conversation that is related to the incident but is not part of the alleged sexual offence.
12. Subjective mental state. Feelings or thoughts experienced at the time of the incident.
13. Perpetrator's mental state. Reference to the alleged perpetrator's feelings or thoughts during the incident.

Motivation-related contents

14. Spontaneous corrections or additions. Corrections offered or information added.
15. Admitting lack of memory or knowledge.
16. Raising doubts about one's own testimony.
17. Self deprecation. Child describes some aspect of her behavior as wrong or inappropriate.
18. Pardoning the alleged perpetrator. Excuses for or failure to blame the alleged perpetrator or add to the allegations when the opportunity occurred.

Appendix 8.5 Juror questions relating to the CBCA criteria

These questions all relate to particular features which may or may not have been present in Kim's interview with the Child Protection Unit psychologist, Ms. Forbes. Please read each question and circle either "YES" or "NO".

1. Did Kim reproduce any conversation that occurred between herself and her father at or near the time of the alleged incident ?

YES/NO

2. Was there an unplanned interruption or an unexpected complication just before, during or just after the alleged incident ?

YES / NO

3. Did Kim report any details of persons, objects or events which were unusual but meaningful in the context of the alleged incident ?

YES/NO

4. Were there any details about the incident which Kim seemed to be reporting accurately but had misunderstood for whatever reason ?

YES/NO

5. Did Kim report any of her feelings or thoughts at the time of the alleged incident

YES / NO

6. Did Kim make any spontaneous corrections to any of the answers she gave ?

YES / NO

7. Did Kim make any reference to her father's thoughts or feelings at the time of the alleged incident ?

YES / NO

8. Did Kim admit any lack of memory about any aspect of the alleged incident ?

YES / NO

9. Did Kim raise any doubts that her mother or anyone else might find all or part of her account difficult to believe ?

YES / NO

10. Did Kim describe some aspect of her **behaviour** related to the alleged incident as being wrong ?

YES / NO

11. Did Kim make excuses for her father or fail to blame him when an opportunity occurred ?

YES / NO

12. Did Kim's statement include any extra (peripheral) details that were related to the situation but that did not contribute directly to the allegation ?

YES / NO

Please think over how the features mentioned below might influence your ideas about the believability of **any child's statement about alleged sexual abuse** (not just Kim's statement). Read through each of these features below and circle "more credible" if you think the presence of the feature would increase the statement's credibility ; circle "no difference" if you think the presence of the feature would make no difference to credibility ; and circle "less credible" if you think the presence of the feature would make the statement less credible.

1. The child makes some reference to her father's thoughts or feelings at the time of the alleged incident.
(more credible / no difference / less credible)
2. The child indicates that she does not remember some aspect of the alleged incident. (more credible / no difference / less credible)
3. The child expresses concerns or doubts that some part of her statement seems incorrect or unbelievable.
(more credible / no difference / less credible)
4. The child describes some aspect of her behaviour as being wrong or inappropriate. (more credible / no difference / less credible)
5. The child makes excuses for the alleged perpetrator or does not blame him when an opportunity to blame him occurs.
(more credible / no difference / less credible)
6. The child's statement includes extra (peripheral) details that were related to the situation but that did not contribute directly to the allegation.
(more credible / no difference / less credible)
7. The child reports the words of conversation that occurred between herself and the alleged perpetrator at the time of the alleged incident.
(more credible / no difference / less credible)
8. The child says that there was there an unplanned interruption or an unexpected complication during the alleged incident.
(more credible / no difference / less credible)
9. The child reports details of persons, objects or events which were unusual but meaningful in the context of the alleged incident ?
(more credible / no difference / less credible)
10. The child reports details about the incident which seem to be accurate in a sexually abusive incident but which are misunderstood by the child.
(more credible / no difference / less credible)
11. The child reports her own feelings or thoughts at the time of the alleged incident
(more credible / no difference / less credible)
12. The child spontaneously corrects any of her answers.
(more credible / no difference / less credible)

Appendix 9

Appendix 9.1 Child's Standard testimony

Appendix 9.2 Child's Enhanced testimony

(as used in Experiment 4)

Appendix 9.1 Standard quality statement

STANDARD INTERVIEW

Interviewer : Ms. Forbes .. (Child Protection Unit Psychologist)

Child : Kim W. (9 year old girl)

(1) Ms. Forbes : Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a skipping competition at school. Do you like skipping ?

Kim : *Yes.*

(2) Ms. Forbes : How old are you, Kim ?

Kim : *I just turned nine a few weeks ago.*

(3) Ms. Forbes : Good.. I have a niece, a girl about your age, and she loves to skip. She's learning to skip backwards. Can you do that ?

Kim : *Yes.*

(4) Ms. Forbes : Tell me about some of the things you like to do when you're at home.

Kim : *I like to watch T.V and sometimes I draw things.*

(5) Ms. Forbes : And where do you go to school, Kim ?

Kim : *At Bellerive.*

(6) Ms. Forbes : And what sort of things do you like to do at school ?

Kim : *I like playing games, reading, listening to stories.*

(7) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : *No, I walk. It's only a few streets away.*

(8) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : *No.*

(9) Ms. Forbes : So who lives at your place ?

Kim : *Just Mum. Dad used to be at home, but he moved out and lives at New Town now.*

(10) Ms. Forbes : How long ago did Dad move out ?

Kim : *Oh.. I dunno.. months ago .. I think it was just after Christmas .*

(11) Ms. Forbes : Sometime in January ... about six months ago ?

Kim : *Yes.. I think so.*

(12) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : *Yeah... a few times .*

(13) Ms. Forbes : About how often ?

Kim : *I used to spend every second weekend with him.*

(14) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : *No, there was just me and Dad there.*

(15) Ms. Forbes : Now, Kim.. I want you to try and remember the last weekend you spent with your Dad. Do you remember that ?

Kim : *Yes.*

(16) Ms. Forbes : Now, Kim do you understand what it means to tell the truth and what it means to tell a lie ?

Kim : *Yes*

(17) Ms. Forbes : Good. I'd like you to be very sure that you only tell me the truth.. O.K.

Kim : *Yes*

(18) Ms. Forbes : I would like you to tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat ?

Kim : *Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.*

(19) Ms. Forbes : You'd had cramp before, had you, Kim ?

Kim : *Yes..*

(20) Ms. Forbes : Usually, when your legs were hurting how did you make the pain go away ?

Kim : *Well, usually, Mum would rub my legs really hard... sometimes with oily stuff.*

(21) **Ms. Forbes :** What about the night you got cramp at your Dad's ? What did you do then ?

Kim : *I got out of bed and went into the next room, and Dad was at his desk and watching T.V.. Anyway, I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs.*

(22) **Ms. Forbes :** What happened then ?

Kim : *and then he rubbed my legs real hard... just like Mum does...
... and then he rubbed up higher.. (pause)
... He put his fingers in(pause) ...
... in my pussy...*

(23) **Ms. Forbes :** How did that feel ?

Kim : *Really bad . It hurt a lot.*

(24) **Ms. Forbes :** And what did you do ?

Kim : *I screamed out and told him to stop I felt really scared.*

(25) **Ms. Forbes :** Did he stop when you yelled ?

Kim : *No. He started putting something bigger into me. I couldn't see because he was on top of me. It really really hurt .*

(26) **Ms. Forbes :** What happened then ?

Kim : *He moved up and down a bit ... When he got up there was sticky stuff all over my legs. He wiped it off and put my pyjamas back on me.*

(27) **Ms. Forbes :** Was there any sticky stuff on your pussy ?

Kim : *Yes, but Dad wiped it off.*

(28) **Ms. Forbes :** How did you feel after this happened ?

Kim : *Next day, I was still sore. Dad said I should take a hot bath and he would buy me a chocolate .*

(29) **Ms. Forbes :** How do you feel about Dad now ?

Kim : *... not very good !*

(30) **Ms. Forbes :** Now, Kim, help me understand a little more about the sticky stuff on your legs. What colour was the sticky stuff ?

Appendix 10

Trial transcript for Experiment 4

Appendix 9.2 Enhanced quality statement

ENHANCED INTERVIEW

Interviewer : Ms. Forbes .. (Child Protection Unit Psychologist)

Child : Kim W. (9 year old girl)

(1) Ms. Forbes : Hello, Kim, it's good to see you. I'd like to take some time to talk over some things with you... is that O.K ? Your Mum was telling me earlier that you've been in a skipping competition at school. Do you like skipping ?

Kim : Yes.

(2) Ms. Forbes : How old are you, Kim ?

Kim : *I just turned nine a few weeks ago.*

(3) Ms. Forbes : Good.. I have a niece, a girl about your age, and she loves to skip. She's learning to skip backwards. Can you do that ?

Kim : Yes.

(4) Ms. Forbes : Tell me about some of the things you like to do when you're at home.

Kim : *I like to watch T.V and sometimes I draw things.*

(5) Ms. Forbes : And where do you go to school, Kim ?

Kim : *At Bellerive.*

(6) Ms. Forbes : And what sort of things do you like to do at school ?

Kim : *I like playing games, reading, listening to stories.*

(7) Ms. Forbes : Does Mum take you to school and pick you up ?

Kim : *No, I walk. It's only a few streets away.*

(8) Ms. Forbes : Do you have any brothers or sisters, Kim ?

Kim : No.

(9) Ms. Forbes : So who lives at your place ?

Kim : *Just Mum. Dad used to be at home, but he moved out and lives at New Town now.*

(10) Ms. Forbes : How long ago did Dad move out ?

Kim : *Oh.. I dunno.. months ago .. I think it was just after Christmas .*

(11) Ms. Forbes : Sometime in January ... about six months ago ?

Kim : *Yes.. I think so.*

(12) Ms. Forbes : Have you seen your Dad since he moved out ?

Kim : *Yeah... a few times .*

(13) Ms. Forbes : About how often ?

Kim : *I used to spend every second weekend with him.*

(14) Ms. Forbes : When you stayed with Dad, was there anyone else living there with him ?

Kim : *No, there was just me and Dad there.*

(15) Ms. Forbes : Now, Kim.. I want you to try and remember the last weekend you spent with your Dad. Do you remember that ?

Kim : *Yes.*

(16) Ms. Forbes : Now, Kim do you understand what it means to tell the truth and what it means to tell a lie ?

Kim : *Yes*

(17) Ms. Forbes : Good. I'd like you to be very sure that you only tell me the truth.. OK.

Kim : *Yes*

(18) Ms. Forbes : I would like you to tell me a little about what happened the last time you stayed with your Dad. Do you remember what you had to eat ?

Kim : *Well... On this Saturday, Dad and I went out to get hamburgers to eat and when we got back Dad made some popcorn, and we ate the popcorn with honey while we watched T.V... they were real good.. the hamburgers.. and the popcorn..... and then about nine o'clock Dad said it was time for bed, and so I went off to bed but I must've woken up in the middle of the night, 'cause my legs were really hurting.... It was what Mum called cramp.*

(19) Ms. Forbes : You'd had cramp before, had you, Kim ?

Kim : *Yes..*

(20) Ms. Forbes : Usually, when your legs were hurting how did you make the pain go away ?

Kim : *Well, usually, Mum would rub my legs really hard... sometimes with oily stuff.*

(21) Ms. Forbes : What about the night you got cramp at your Dad's ? What did you do then ?

Klm : *I got out of bed and went into the next room, and Dad was watching T.V... No , no ! I remember now, he was sitting at his desk, but the T.V. was on.. pretty quiet. Anyway, I told him my legs were hurting real bad and.. and then he put some big cushions together .. down on the floor.. and said I should lie down while he got some oil to rub me legs. Then he went out and I think I remember hearing the phone ring just after he went out so he didn't come back straight away... but he wasn't away long and he came back with some oil.*

(22) Ms. Forbes : What happened then ?

Klm : *and then he rubbed my legs real hard... just like Mum does ...(pause) .. and then he rubbed up higher.. (pause).. He put his fingers in ...(pause) ..in my pussy.*

(23) Ms. Forbes : How did that feel ?

Klm : *Really bad . It hurt a lot.*

(24) Ms. Forbes : And what did you do ?

Klm : *I screamed out and told him to stop. I remember yelling, "Stop, Daddy, stop ! " 'cause I felt really scared, and I remember my voice sounded a bit shaky ... like scared*

(25) Ms. Forbes : Did he stop when you yelled ?

Klm : *No. He started putting something bigger into me. I couldn't see because he was on top of me. It really really hurt .*

(26) Ms. Forbes : What happened then ?

Klm : *He moved up and down a bit ... When he got up there was sticky stuff all over my legs. He wiped it off and put my pyjamas back on me , and he said, "You'll be all right... I'll get you back to bed".*

(27) Ms. Forbes : Was there any sticky stuff on your pussy ?

Klm : *Yes, but Dad wiped it off.*

(28) Ms. Forbes : How did you feel after this happened ?

Klm : *I don't really remember how I felt afterwards, except I was really sore and the next day, I was still sore. Dad said I should take a hot bath and he would buy me a chocolate .*

(29) Ms. Forbes : How do you feel about Dad now ?

Klm : *I don't know (pause) ...I'm not angry with him , or you know..I don't feel bad about him or like that.*

(30) Ms. Forbes : Now, Kim, help me understand a little more about the sticky stuff on your legs. What colour was the sticky stuff ?

Kim : *Well, I didn't see.. I had my eyes closed a lot of the time and it felt yucky, but Dad wiped it off.*

(31) Ms. Forbes : Did the sticky stuff feel like the oil Dad was using ?

Kim : *(pause) No.. not really.. it was sort of different, not like anything I'd felt before, but I can't remember very well . All I remember is, it felt yucky*

(32) Ms. Forbes : When you saw Mum did you tell her what happened ?

Kim : *Not then. Dad said I shouldn't. ... he said I'd get into trouble and Mum would be mad with me .*

(33) Ms Forbes : You told me that what Dad did hurt you, but you didn't tell Mum about it.

Kim : *No. I didn't really know if Mum would believe me, and I was frightened that I might get into trouble somehow like, if she did believe me.*

(34) Ms. Forbes : And later ? Did you tell anyone later ?

Kim : *Well, Dad was away for one fortnight , but after that when the next time came when I was supposed to stay with him , I told Mum. I told her I didn't want to visit Dad any more. She said "why", so I told her about it .*

(35) Ms. Forbes : And what did she say ?

Kim : *She was really cross.*

(36) Ms. Forbes : Was she angry with you ?

Kim : *No, with Dad... I think.*

(37) Ms. Forbes : Kim, do you realise your father could get into big trouble for this

Kim : *I don't want to get him into trouble or anything like that . I just don't know why he wanted to hurt me.*

(38) Ms. Forbes : Kim, do you know what the word "vagina" means ?

Kim : Yes.

(39) Ms. Forbes : Is that what you mean when you talk about your "pussy" ?

Kim : Yes.

(40) Ms. Forbes : Thank you, Kim. That's all I want to ask now.

CROSS EXAMINATION .. by defence counsel

Interviewer : Ms. Simmons (Counsel for the Defense)..

**(This is cross examination testimony for
both Standard and Enhanced testimonies.)**

(CE.1) Ms. Simmons : Kim, we have just watched a videotape of an interview that Ms. Forbes had with you. Do you remember when the interview took place ?

Kim : *Yes, a while ago.... few weeks ago.*

(CE.2) Ms. Simmons : And if Ms. Forbes were to ask you the same questions now, Kim, would you still give the same answers ?

Kim : *Yes.*

(CE.3) Ms. Simmons : Kim, on the night thhat you told Ms. Forbes about... the night you were with Dad, you said you went to bed at nine o'clock. Is that right ?

Kim : *Yes.*

(CE.4) Ms. Simmons : Do you remember what time it was when you woke up ?

Kim : *No. I don't know.*

(CE.5) Ms. Simmons : You must have felt very tired when you woke up with leg cramps. Do you remember feeling tired ?

Kim : *Well, I don't really remember whether I was or not ... I suppose I was.*

(CE.6) Ms. Forbes : You suppose you were. And you have told us that you were lying on cushions when Dad was rubbing your legs and you said.. and these were your words .."I had my eyes closed a lot of the time"...that's what you said, isn't it ?

Kim : *Yes.*

(CE.7) Ms. Simmons : Kim, do you ever have dreams ?

Kim : *Yes.*

(CE.8) Ms. Simmons : And do you sometimes dream about people you know, like Mum and Dad ?

Kim : *Yes.*

(CE.9) Ms. Simmons : Have some of your dreams been happy dreams ?

Kim : *Yes*

(CE.10) Ms. Simmons : And have some of them been unhappy or nasty dreams ?

Kim : *Hmmm... yes.*

(CE.11) Ms. Simmons : Have you ever woken up in the middle of the night thinking that something terrible was happening... only to find that it was just a dream ?

Kim : *Yes... sometimes*

(CE.12) Ms. Simmons : And those dreams can be very real, can't they ?

Kim : *Yes.*

(CE.13) Ms. Simmons : And sometimes you can't tell whether it's a dream or real, can you ?

Kim : *Mmm !*

(CE.14) Ms. Simmons : Has your mother talked a lot with you about what's happened?

Kim : *Yes.*

(Ce 15) Ms. Simmons : And have you thought much about what's happened.

Kim : *Yes*

(CE.16) Ms. S. : Kim, do you sometimes make up stories when you're at school ?

Kim : *In the classroom.. yes .*

(CE17) Ms. Simmons : Do you sometimes make up stories about things that have happened to you ?

Kim : *Yes, sometimes*

(CE.18) Ms. Simmons : Do you sometimes make up stories that are not true ?

Kim : *Yes. The teacher likes us to make up stories.*

(CE.19) Ms. Simmons : And do you tell your teacher the stories you make up ?

Kim : *Yes.. mostly, I write them down for her to read.*

(CE.20) Ms. Simmons : Does the teacher like the stories you write ?

Kim : *Yes*

(CE.21) Ms. Simmons : Do you sometimes make up stories when you tell other people ?

Kim : *Sometimes.. but most of the time I tell the truth.*

(CE.22) Ms. Simmons : But you don't always tell the truth ?

Kim : *Only when I'm making up stories .*

(CE.23) Ms. Simmons : When you told your Mum you didn't want to visit your Dad any more, did you tell her everything that you have told Ms. Forbes ?

Kim : (pause)*Think so.*

(CE.24) Ms. Simmons : But, you might have said something different.

Kim : (Pause).. *Don't know.*

(CE.25) Ms. Simmons : Did you tell your Mum that your Dad had hurt you ?

Kim : *Yes.*

(CE.26) Ms. Simmons : And your Mum asked you questions about that ?

Kim : *Yes.*

(CE.27) Ms. Simmons : A lot of questions ?

Kim : *Yes.*

(CE.28) Ms. Simmons : Did she ask you if your dad had put something in your vagina?

Kim : *Yes.*

(CE.29) Ms. Simmons : Had you already told her that... before she asked you about it

Kim : *Yes, I think so .*

(CE.30) Ms. Simmons : Or did your Mum ask you if that was how Daddy had hurt you?

Kim : *Don't know !*

(CE.31) Ms. Simmons : Your Mum was very angry when you told her your dad had hurt you, wasn't she ?

Kim : *Yes .*

(CE.32) Ms. Simmons : What did she do ?

Kim : *She was yelling and yelling about Dad.... over and over.*

(CE.34). Ms. Simmons : Thank you, Kim. I don't wish to ask any more questions now.

Appendix 10

Trial transcript for Experiment 4

Judge : Introduction

Men and women of the jury, the defendant in this case, Paul Francis Woods has been committed for trial in this court on two separate charges arising from the one alleged incident. The defendant has pleaded not guilty to both charges.

Paul Francis Woods has been charged under section 127A of the Tasmanian Criminal Code with one count of aggravated sexual assault of his daughter, Kim Woods. The aforesaid crime is committed where any person unlawfully and indecently assaults another person by penetration to the least degree of the vagina or anus of that person using any part of the human body other than the penis, or by the use of an inanimate object. Where the alleged victim of penetration is under the age of 12 years, consent of the victim cannot be submitted as a defence.

I would draw your attention, jurors, to that part of the definition of this crime which states that penetration need only be to the least degree.

The defendant is further charged under section 124 of the Tasmanian Criminal Code with the more serious crime of sexual intercourse with a young person. The Crown will seek to prove that Paul Francis Woods had unlawful sexual intercourse with his daughter, Kim Woods. Again, the consent of a child under 12 years of age is never a defence to this crime.

In any matters of law which come before the court it is my role and function to arbitrate and decide, but as to the ultimate facts of the case, yours is the decision making role. To prove its case on each of these charges, the Crown must show beyond reasonable doubt that the crimes as defined did occur and, if so occurring, that Paul Francis Woods was the perpetrator of each crime.

After all the evidence has been heard, you will retire to deliberate, and strive to reach a unanimous verdict concerning the guilt or innocence of Paul Francis Woods on each of the two charges.

Learned counsel for the Crown in this case is Ms. Goodman. The defendant is represented by learned counsel, Ms. Simmons, assisted by learned counsel, Ms. Barlow.

Judge (speaks to Ms. Goodman) :

Ms. Goodman, I understand that the child in this case, Kim Woods, who has made the allegation of sexual assault will not be appearing in the courtroom and that Kim's testimony has been prepared as a videotaped deposition.. is that correct ?

Ms. Goodman : That is so, your honour.

Judge :

I should explain to the members of the jury that Kim was interviewed by Ms. Forbes, a psychologist with the Child Protection Unit. The law now allows for such an interview, if videotaped and subsequently deemed by a judge to be admissible as evidence, to stand as the examination in chief of the child.

The law also provides an opportunity for counsel for the defence to question the child before the trial at a special hearing in less formal circumstances than the courtroom setting, and the videotape of that examination may be admissible as cross examination. At a hearing which I convened prior to the trial, counsel for the defence, Ms. Barlow instructed an assistant counsel, Ms. Simmons, to attend and to conduct the cross-examination of the child. Ms. Goodman, please show the court the videotaped interviews with Kim Woods.

(Female child's videodeposition is then shown)

(Ms. Forbes' interview recorded on videotape approximately two months after the allegation of sexual assault was first reported to the police.)

Judge : Is that the end of the video-tape, Ms. Goodman ?

Ms. Goodman : Yes, your Honour. I now call Mrs. Wendy Woods.

(Mrs. Wendy Woods comes to the stand and is sworn in)

(Mother's testimony is the same as used in experiments 1,2 ,3.)

Dr. Brennan comes to the stand and is sworn in)

(Medical Doctor's testimony is the same as used in experiments 1,2,3)

(Psychological Expert testimony here)

One variation of the expert role x type of psychological expert testimony as follows

COURT-APPOINTED EXPERT WITNESS

Expert witness testimony

(Psych./behavioural reactions associated with sexual abuse)

Judge : Call Dr. Melton to the stand.

(Dr. Melton comes to the stand and is sworn in)

(1) Judge : Are you Dr. John Melton ?

Dr. Melton : Yes.

(2). And what is your profession, Dr. Melton ?

Dr. Melton : *I am a clinical psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning the behavioural and emotional consequences of sexual abuse of children.*

(3). Dr. Melton, you have been called into this court to give expert testimony...not as a witness for the prosecution, and not as a witness for the defense. Do you understand that ?

Dr. Melton : Yes.

(4) Have you had any communication with either counsel for the defense or the prosecuting counsel or anyone acting on their behalf on any matter regarding this case ?

Dr. Melton : No ... *I have not, your honour.*

(5) : Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : Yes, *your honour.*

(6) : Doctor, are there any behavioural or emotional reactions which a child might display which you as a psychologist would take to be diagnostic of sexual abuse ?

Dr. Melton : *Strictly speaking, the answer is no, largely because there is a substantial proportion of children who have been known to have been sexually abused who appeared to be asymptomatic when assessed, that is, they showed no indication of disturbed behaviour, or disturbances in thought processes or emotions. Nevertheless, there are certain behavioural and emotional reactions that have been found by clinicians and researchers to be consistently associated with sexual abuse, and it is generally agreed by psychologists working in this field that the majority of children demonstrate some reactions to abuse.*

(7) : Please tell the court what those behavioural and emotional reactions are likely to be, doctor.

Dr. Melton: *Many reactions have been observed in sexually abused children as a group including ; anxiety, social withdrawal, eating disturbance and sleep disturbance, depression, low self esteem, sexual acting out, enuresis, self destructive behaviour, running away, decline in school performance, and more.*

Anxiety reactions are often reported in sexually abused children. Clinical studies have described anxiety reactions such as sleep disturbances and nightmares, fears and phobic behaviour, nervousness and clinginess. Children who display symptoms of anxiety or fear or avoidance behaviour are very likely suffering from the effects of some sort of experience of a traumatic kind. However, that upsetting or disturbing experience need not be sexual abuse. It can be seen that any or all of the behaviours which I've named can be associated with a wide range of psychological problems, which may have nothing to do with sexual abuse. Over the years, the list of psychological disturbances which have been noted in individual children following sexual abuse has increased.

(8) : So, doctor, you're telling the court that while some psychological consequences appear to be associated with the aftermath of sexual abuse with some degree of consistency, there is no symptom or behaviour yet recognised as being specifically diagnostic, is that correct ?

Dr. Melton : *Yes. Although one can state that certain behavioural changes can be frequently found in children who have been sexually abused, nevertheless, there is no symptom or set of symptoms which are reliably and exclusively diagnostic. In other words, there is no single effect that has been found in all children.... and considering that the abuse itself can vary across a broad range of conduct and may differ from one case to another in terms of its type, severity, duration and frequency, then it might be expected that the psychological consequences for victims will be correspondingly diverse. Certain symptoms such as anxiety are reported consistently, others are reported less often and some symptoms, rarely. However, whatever the child's behavioural and emotional reactions may be, psychologists are in general agreement that the closer the relationship between the offender and the child, the more serious is the negative impact on the child.*

(9) : Are there differences between the behavioural changes likely to be observed after a single incident of assault and the sorts of changes likely to be observed in a child who has been repeatedly molested.

Dr. Melton : *From investigations of child victims of differing types of sexual assault, Dr. Patricia Bresee and her colleagues in the United States have suggested that a distinction of this type can be made. They state that generally with children who have been sexually assaulted on only one occasion the behavioural reactions are more likely to be ; sleep disturbances , crying, school phobia, social withdrawal, increased clinginess with a parent or relative, and refusal to leave the house. On the other hand, children who have been sexually assaulted over a long period tend to develop characteristic ways of coping and there may be a greater tendency to identify with the perpetrator and to engage in developmentally inappropriate sexual behaviour as a strategy for manipulating others. The symptoms more likely*

to be observed in victims of long term sexual abuse are age-inappropriate sexual knowledge and interests, sexual advances towards adults and children, depression and role reversal with adults.

(10) : Dr. Melton, did you undertake a clinical evaluation of Kim Woods ?

Dr. Melton. : *I did undertake a clinical evaluation of Kim Woods, using interview procedures and appropriate psychological tests.*

(11) : What psychological tests were used ?

Dr. Melton : *I used some of the tests and procedures which Dr. Bresee and her colleagues have stated they have found to be effective in differentiating victims of sexual abuse, specifically those which measure a child's self concept, level of depression, relationship to parents, body image and level of anxiety.*

(12) : Was any other information used in your evaluation ?

Dr. Melton. : *I spoke to Kim's present teacher about her past and present school performance, and also to the school psychologist.*

(13) : What were the results of your assessment ?

Dr. Melton : *Kim's results on the Children's Manifest Anxiety Scale indicated moderate to high levels of anxiety. Her self reports indicated that she had experienced frequent periods of disturbed sleep since the alleged incident, and that she no longer wanted to stay out overnight at her friends' houses. From discussion with school personnel, there were indications of decline in Kim's school performance over recent months. I concluded that the symptoms and behaviours displayed by Kim, namely, social withdrawal, sleep disturbance, moderate to high anxiety levels, and declining school performance were all symptoms and behaviours which are consistent with those which might be displayed in a child who had been sexually assaulted.*

PROSECUTION EXPERT WITNESS

Expert witness testimony

(Psych./behavioural reactions associated with sexual abuse)

Judge : Have you any further witnesses, Ms. Goodman.

Ms. Goodman : I call Dr. Melton to the stand
(Dr. Melton comes to the stand and is sworn in)

Ms. Goodman : Are you Dr. John Melton ?

Dr. Melton : *Yes.*

Ms. Goodman : And what is your profession, Dr. Melton ?

Dr. Melton : *I am a clinical psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning the behavioural and emotional consequences of sexual abuse of children.*

Ms. Goodman : Dr. Melton, you have been called into this court to give expert testimony... as a witness for the prosecution.

Dr. Melton : *Yes.*

Ms. Goodman : Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : *Yes.*

Ms. Goodman : Doctor, are there any behavioural or emotional reactions which a child might display which you as a psychologist would take to be diagnostic of sexual abuse ?

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However, that upsetting or disturbing experience need not be sexual abuse. It can be seen that any or all of the behaviours which I've named can be associated with a wide range of psychological problems, which may have nothing to do with sexual abuse. Over the years, the list of psychological disturbances which have been noted in individual children following sexual abuse has increased.

Ms. Goodman : So, doctor, you're telling the court that while some psychological consequences appear to be associated with the aftermath of sexual abuse with some degree of consistency, there is no symptom or behaviour yet recognised as being specifically diagnostic, is that correct ?

Dr. Melton : *Yes. Although one can state that certain behavioural changes can be frequently found in children who have been sexually abused, nevertheless, there is no symptom or set of symptoms which are reliably and exclusively diagnostic. In other words, there is no single effect that has been found in all children.... and considering that the abuse itself can vary across a broad range of conduct and may differ from one case to another in terms of its type, severity, duration and frequency, then it might be expected that the psychological consequences for victims will be correspondingly diverse. Certain symptoms such as anxiety are reported consistently, others are reported less often and some symptoms, rarely. However, whatever the child's behavioural and emotional reactions may be, psychologists are in general agreement that the closer the relationship between the offender and the child, the more serious is the negative impact on the child.*

Ms. Goodman : Are there differences between the behavioural changes likely to be observed after a single incident of assault and the sorts of changes likely to be observed in a child who has been repeatedly molested.

Dr. Melton : *From investigations of child victims of differing types of sexual assault, Dr. Patricia Bresee and her colleagues in the United States have suggested that a distinction of this type can be made. They state that generally with children who have been sexually assaulted on only one occasion the behavioural reactions are more likely to be ; sleep disturbances , crying, school phobia, social withdrawal, increased clingyness with a parent or relative, and refusal to leave the house. On the other hand, children who have been sexually assaulted over a long period tend to develop characteristic ways of coping and there may be a greater tendency to identify with the perpetrator and to engage in developmentally inappropriate sexual behaviour as a strategy for manipulating others. The symptoms more likely to be observed in victims of long term sexual abuse are age-inappropriate sexual knowledge and interests, sexual advances towards adults and children, depression and role reversal with adults.*

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Ms. Goodman : Was any other information used in your evaluation ?

Dr. Melton. *I spoke to Kim's present teacher about her past and present school performance, and also to the school psychologist.*

Ms. Goodman : What were the results of your assessment ?

Dr. Melton : *Kim's results on the Children's Manifest Anxiety Scale indicated moderate to high levels of anxiety. Her self reports indicated that she had experienced frequent periods of disturbed sleep since the alleged incident, and that she no longer wanted to stay out overnight at her friends' houses. From discussion with school personnel, there were indications of decline in Kim's school performance over recent months. I concluded that the symptoms and behaviours displayed by Kim, namely, social withdrawal, sleep disturbance, moderate to high anxiety levels, and declining school performance were all symptoms and behaviours which are consistent with those which might be displayed in a child who had been sexually assaulted.*

Ms. Goodman : If it please the court... I have no further questions, your honour.

Behavioural consequences testimony

**(Cross examination of expert witness...
this is the same for both court-appointed & prosecution expert)**

Judge : Ms. Goodman, do you wish to direct any questions to Dr. Melton ?

Ms. Goodman : No, your honour.

Judge : Ms. Simmons, you may proceed with any questions the defense would like to put to Dr. Melton.

Ms. Simmons : If it please the court. Dr. Melton, you have told the court that one result of your evaluation was the finding that Kim displayed moderate to high levels of anxiety on the scale used and that such a result was consistent with the behavioural and emotional reactions of children who have been sexually abused. Might it not just be the case, doctor, that Kim is simply what we might describe as an "anxious" child. Have you any test results from a year ago... two years ago ... to indicate what Kim's anxiety levels were in the past and whether they are greater now than they were then ?

Dr. Melton: *No, I have no previous anxiety scale results, as this scale would not be administered to children unless there was a specific reason for doing so. However, I was satisfied following my discussions with Kim's teacher and the school psychologist that neither had observed any indications of manifest anxiety in Kim in her previous years at school.*

Ms. Simmons: You have mentioned a list of symptoms and behaviours which you say are commonly associated with children who have been sexually abused. As a psychologist, are you able to differentiate between symptoms and behaviours which may be produced by sexual abuse and symptoms and behaviours which might be produced by other things which a child may find stressful, disturbing or traumatic ?

Dr. Melton : *Well, it depends to some extent.....*

Ms. Simmons : Just answer "yes" or "no", doctor !

Dr. Melton : *Well, generally the answer would be no. There are many circumstances other than sexual abuse which might conceivably cause or contribute to the sorts of symptoms and behaviours displayed by Kim.*

Ms. Simmons: Would it not be true to say that for a child such as Kim, who has had her normal routines and her security disrupted by the breakdown of her parent's marriage ... would it not be true to say that a symptom such as her social withdrawal might just as easily be brought about by her parents' separation.

Dr. Melton : *Yes, that's possible.*

Ms. Simmons : In fact, is it not entirely possible that each and all of the psychological problems you mentioned; sleep disturbance, social withdrawal, decline in school performance and raised anxiety levels may represent Kim's reactions to the separation of her parents and the difficulties associated with her attempts to adjust to her disrupted family circumstances.. is that not so ?

Dr. Melton : *Well, if Kim were reacting to her parents' separation as an experience or set of experiences with traumatic aspects, then that might be so. In my opinion, the more plausible explanation is that Kim's reactions are consistent with an experience of greater traumatic impact than anything associated merely with her parents' separation.*

Ms. Simmons : But you can't be certain about anything, can you ?

Dr. Melton: *Psychology, and particularly clinical psychology, does not deal in certainties... all I can offer is my professional, considered opinion.*

Ms. Simmons : If it please the court, I have no further questions.

Judge : Thank you, Dr. Melton, you may stand down.

COURT APPOINTED EXPERT
Expert witness testimony (Statement Validity Assessment)

Judge : Call Dr. Melton to the stand.

(Dr. Melton comes to the stand and is sworn in)

(1) Are you Dr. John Melton ?

Dr. Melton : *Yes.*

(2). And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's ability to give reliable and accurate testimony.*

(3) Dr. Melton, you have been called into this court to give expert testimony... not as a witness for the prosecution, and not as a witness for the defense. Do you understand that ?

Dr. Melton : *Yes, your Honour.*

(4) Have you had any communication with either counsel for the defense or the prosecuting counsel or anyone acting on their behalf on any matter regarding this case ?

Dr. Melton : *No.... I have not, your Honour.*

(5) Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : *Yes, your honour*

(6) Doctor, have you undertaken a psychological assessment of the child witness in this case, Kim Woods ?

Dr. Melton : *Your honour, I have not undertaken a assessment of the child witness, but rather an assesment of the statement made by the child witness. The focus of my assessment has been on statement quality or credibility, not witness credibility.*

(7) Dr. Melton, before you continue, I should make it clear to the jury that the procedure which Dr. Melton has used in his assessment is one which I am informed has been in general use in the European legal system for many years, but has been little used in our own criminal justice system. Before this case came to court questions were raised about the admissibility of Dr. Melton's testimony. I therefore conducted a hearing prior to this case to evaluate the relevance of the intended testimony and the reliability of the scientific principles and procedures involved. I sought to weigh up the relevance, reliability and probative value of the evidence against any factors which might militate against admission of Dr. Melton's testimony. I have allowed Dr. Melton's testimony to proceed on the understanding that he is

careful to refrain from making any statement which specifically addresses the ultimate facts which are issues for you the jurors to decide.

Dr. Melton : *Thank you, your honour. The procedure I used was originated by German psychologists in the 1950's and as your honour said, it has been widely used in Europe for many years in cases similar to this one. The procedure, called "statement validity analysis" is based on the premise that descriptions of events that actually were experienced differ in content and quality from descriptions of events which have not been experienced, that is descriptions which are invented or fabricated. In the case of a child who has brought allegations of criminal behaviour, the procedure requires that the child be interviewed, preferably as early as possible, by a trained interviewer who endeavours to let the child freely recall as far as possible, without imposing unnecessary structure in the interview.*

The child's statement is then analysed using the transcript of the interview and certain criteria for analysing the content. Together with other relevant case information and validity checks, the results of this criteria-based content analysis may then be used to draw inferences regarding the likelihood that the child's description was derived from direct experience of the event, as opposed to invention or fabrication or coaching. The outcome of the content analysis is then considered together with other information to provide an overall assessment of the validity of the statement. I would like to emphasise that it is the content of the statement which is evaluated, not the general credibility of the child witness.

(8) What are these criteria which are used in your analysis of the statement's content ?

Dr. Melton : *There are 18 criteria which are arranged in categories which move from broad to specific aspects of the statement. The first major category considers the general characteristics of the statement as a whole. The first criterion, logical structure, is present if the statement essentially makes sense. The second criterion, unstructured production, is present if the statement is not continuously structured, but information is scattered throughout. The third criterion, quantity of details, refers to the presence of details about time, place and persons related to the alleged crime. The second major category deals with specific contents and any peculiarities in the content. Altogether, there are ten criteria in this category, which are applied while asking the question, "Would a child be able to make up an allegation which had qualities such as those described by the criteria ?" The first of these criteria is met if the alleged event is placed in time and space relative to the child's routine experiences. Other criteria involve descriptions of interactions, reproduction of conversations and reports of unexpected complications such as interruptions during the alleged incident... all of these are indications that a child is actively recalling memory of an actually experienced event. Superfluous details or unusual details or accounts of the child's or the perpetrator's thoughts or feelings at the time of the incident may all be present in account of actually experienced events. Also a child's accurate report of details which she has misunderstood because she has no previous knowledge or familiarity with such details indicates the*

event was actually experienced.

The third category of criteria addresses the motivation of the child to make a false allegation. These criteria address the question "Would a child mention details that tend to be unfavourable to herself if the child was fabricating?" These criteria which include spontaneous corrections, admitting lack of memory, raising doubts about one's own testimony, and pardoning the perpetrator are all things which would not be expected to appear in a fabricated statement.

- (9) Dr. Melton, these criteria that you've mentioned, how are these applied in practice ?

Dr. Melton : Each sentence of the transcript of interview is analysed. Only those contents which relate to the alleged crime are considered for rating and repeated information is rated only once. The analysis must proceed with consideration for the child's age, experience and verbal and cognitive capacities, and also for the complexity of the event being described. A rating may be performed for each of the 18 criteria and a score assigned ranging from 0 if the criterion is absent , 1 if it is present and 2 if it is strongly present, thus giving a potential maximum score of 36.

Research is currently underway to assess the quantitative precision of this procedure in discriminating between actually experienced events and fictitious events. At this stage it is not advisable to think in terms of cut-off scores, but rather to use the criteria to formulate an overall assessment of the quality of the statement.

- (10) What research has there been to assess the ability of these criteria to discriminate between statements about actually experienced events and statements which are invented or fabricated ?

Dr. Melton : Research is currently in progress at three American universities, and also at the American National Institute of Child Health and Human development. A laboratory study by Dr. Max Steller in which 6-year olds and 10-year olds were required to produce truthful and fictitious stories indicated that many of the criteria were found to occur significantly more often in the true stories.

The first scientific field study of the usage of the criteria with sexual abuse cases in America involved rating the transcripts of 40 interviews by a researcher who had extensive training in the use of criteria-based content analysis, and no prior knowledge about the cases she was given to rate. She was presented with 40 cases selected by other researchers, 20 of which were considered to be confirmed because of the perpetrators' confessions or direct physical evidence and the other 20 were classified as "doubtful", mainly because there had been no prosecution, or the judge had dismissed the case at the committal stage or there was no physical evidence or there were persistent denials by the alleged perpetrators many of whom were supported in their denial by the outcome of polygraph, that is, lie detector tests. She used 19 criteria, the extra criterion being "offense specific details" . Out of a total possible score of 38, scores for the cases classified as "doubtful" ranged from 0 to 10 with an average score of 3.6. For the cases classified as

confirmed, scores ranged from 16 to 34 with an average score of 24.8. There was no overlap between the highest score of the doubtful group and the lowest score of the confirmed group.

- (11) Now that the court has heard of the procedure and some relevant research, what was your assessment of the quality of Kim Woods' statement.

Dr. Melton : *When I applied criteria-based content analysis to Kim Woods' statement, my conclusion was that 9 of the 18 possible criteria were fulfilled. When I further rated each of the 18 criteria using the scoring system of 0 if the criterion was absent, 1 if the criterion was present and 2 if strongly present, I derived a score of 13. I considered this score in conjunction with the other validity checks which involved consideration of the appropriateness of Kim's language, the interview style, Kim's motives to report, the presence or absence of any contradictory statements, any physical evidence supporting or contradicting Kim's statement, the presence of any elements which are known by professionals in the field to be characteristic of such offences, and other factors. My conclusion was that Kim's statement has some of the qualities that are consistent with an account of an actually experienced event. Overall, I would not rate Kim's statement as a high quality statement, but the statement could be considered as moderate in terms of the presence of the criteria which indicate the quality of its content.*

(alternative last para for enhanced child's testimony)

Dr. Melton: *Thank you, your honour. When I applied criteria-based content analysis to Kim Woods' statement, my conclusion was that 15 of the 18 possible criteria were fulfilled. When I further rated each of the 18 criteria using the scoring system of 0 if the criterion was absent, 1 if the criterion was present and 2 if strongly present, I derived a score of 23. I considered this score in conjunction with the other validity checks which involved consideration of the appropriateness of Kim's language, the interview style, Kim's motives to report, the presence or absence of any contradictory statements, any physical evidence supporting or contradicting Kim's statement and other factors. My conclusion was that Kim's statement has many of the qualities that are consistent with an account of an actually experienced event. Overall, I would rate Kim's statement as a high quality statement, and the statement could be considered as high in terms of the presence of the criteria which are consistent with an account of an actually experienced event.*

PROSECUTION EXPERT WITNESS
Expert witness testimony (S.V.A.)

Judge : Have you any further witnesses, Ms. Goodman ?

Ms. Goodman : I call Dr. Melton to the stand.
(Dr. Melton comes to the stand and is sworn in)

Ms. Goodman : Are you Dr. John Melton ?

Dr. Melton : *Yes.*

Ms. Goodman : And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's ability to give reliable and accurate testimony.*

Ms. Goodman : Dr. Melton, you have been called into this court to give expert testimony... as a witness for the prosecution. Do you understand that ?

Dr. Melton : *Yes.*

Ms. Goodman : Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : *Yes.*

Ms. Goodman : Doctor, have you undertaken a psychological assessment of the child witness in this case, Kim Woods ?

Dr. Melton : *Your honour, I have not undertaken an assessment of the child witness, but rather an assesment of the statement made by the child witness. The focus of my assessment has been on statement quality or credibility, not witness credibility.*

Judge : Dr. Melton, before you continue, I should make it clear to the jury that the procedure which Dr. Melton has used in his assessment is one which I am informed has been in general use in the European legal system for many years, but has been little used in our own criminal justice system. Before this case came to court questions were raised about the admissibility of Dr. Melton's testimony. I therefore conducted a hearing prior to this case to evaluate the relevance of the intended testimony and the reliability of the scientific principles and procedures involved. I sought to weigh up the relevance, reliability and probative value of the evidence against any factors which might militate against admission of Dr. Melton's testimony. I have allowed Dr. Melton's testimony to proceed on the understanding that he is careful to refrain from making any statement which specifically addresses the ultimate facts which are issues for you the jurors to decide.

Dr. Melton : *Thank you, your honour. The procedure I used was originated by German psychologists in the 1950's and as your honour said, it has been*

widely used in Europe for many years in cases similar to this one. The procedure, called "statement validity analysis" is based on the premise that descriptions of events that actually were experienced differ in content and quality from descriptions of events which have not been experienced, that is descriptions which are invented or fabricated. In the case of a child who has brought allegations of criminal behaviour, the procedure requires that the child be interviewed, preferably as early as possible, by a trained interviewer who endeavours to let the child freely recall as far as possible, without imposing unnecessary structure in the interview.

The child's statement is then analysed using the transcript of the interview and certain criteria for analysing the content. Together with other relevant case information and validity checks, the results of this criteria-based content analysis may then be used to draw inferences regarding the likelihood that the child's description was derived from direct experience of the event, as opposed to invention or fabrication or coaching. The outcome of the content analysis is then considered together with other information to provide an overall assessment of the validity of the statement. I would like to emphasise that it is the content of the statement which is evaluated, not the general credibility of the child witness.

Ms. Goodman : What are these criteria which are used in your analysis of the statement's content ?

Dr. Melton : There are 18 criteria which are arranged in categories which move from broad to specific aspects of the statement. The first major category considers the general characteristics of the statement as a whole. The first criterion, logical structure, is present if the statement essentially makes sense. The second criterion, unstructured production, is present if the statement is not continuously structured, but information is scattered throughout. The third criterion, quantity of details, refers to the presence of details about time, place and persons related to the alleged crime.

The second major category deals with specific contents and any peculiarities in the content. Altogether, there are ten criteria in this category, which are applied while asking the question, "Would a child be able to make up an allegation which had qualities such as those described by the criteria ?"

The first of these criteria is met if the alleged event is placed in time and space relative to the child's routine experiences. Other criteria involve descriptions of interactions, reproduction of conversations and reports of unexpected complications such as interruptions during the alleged incident... all of these are indications that a child is actively recalling memory of an actually experienced event. Superfluous details or unusual details or accounts of the child's or the perpetrator's thoughts or feelings at the time of the incident may all be present in account of actually experienced events. Also a child's accurate report of details which she has misunderstood because she has no previous knowledge or familiarity with such details indicates the event was actually experienced.

The third category of criteria addresses the motivation of the child to make a

false allegation. These criteria address the question "Would a child mention details that tend to be unfavourable to herself if the child was fabricating ?" These criteria which include spontaneous corrections, admitting lack of memory, raising doubts about one's own testimony, and pardoning the perpetrator are all things which would not be expected to appear in a fabricated statement.

Ms. Goodman : Dr. Melton, these criteria that you've mentioned .. how are these applied in practice ?

Dr. Melton : *Each sentence of the transcript of interview is analysed. Only those contents which relate to the alleged crime are considered for rating and repeated information is rated only once. The analysis must proceed with consideration for the child's age, experience and verbal and cognitive capacities, and also for the complexity of the event being described. A rating may be performed for each of the 18 criteria and a score assigned ranging from 0 if the criterion is absent , 1 if it is present and 2 if it is strongly present, thus giving a potential maximum score of 36. Research is currently underway to assess the quantitative precision of this procedure in discriminating between actually experienced events and fictitious events. At this stage it is not advisable to think in terms of cut-off scores, but rather to use the criteria to formulate an overall assessment of the quality of the statement.*

Ms Goodman : Has there been any research to assess the ability of these criteria to discriminate between statements about actually experienced events and statements which are invented or fabricated ?

Dr. Melton : *Research is currently in progress at three American universities, and also at the American National Institute of Child Health and Human development. A laboratory study by Dr. Max Steller in which 6-year olds and 10-year olds were required to produce truthful and fictitious stories indicated that many of the criteria were found to occur significantly more often in the true stories.*

The first scientific field study of the usage of the criteria with sexual abuse cases in America involved rating the transcripts of 40 interviews by a researcher who had extensive training in the use of criteria-based content analysis, and no prior knowledge about the cases she was given to rate. She was presented with 40 cases selected by other researchers, 20 of which were considered to be confirmed because of the perpetrators' confessions or direct physical evidence and the other 20 were classified as "doubtful", mainly because there had been no prosecution, or the judge had dismissed the case at the committal stage or there was no physical evidence or there were persistent denials by the alleged perpetrators many of whom were supported in their denial by the outcome of polygraph, that is, lie detector tests. She used 19 criteria, the extra criterion being "offense specific details" . Out of a total possible score of 38, scores for the cases classified as "doubtful" ranged from 0 to 10 with an average score of 3.6. For the cases classified as confirmed, scores ranged from 16 to 34 with an average score of 24.8. There was no overlap between the highest score of the doubtful group and the lowest score of the confirmed group.

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Dr. Melton: *When I applied criteria-based content analysis to Kim Woods' statement, my conclusion was that 9 of the 18 possible criteria were fulfilled. When I further rated each of the 18 criteria using the scoring system of 0 if the criterion was absent, 1 if the criterion was present and 2 if strongly present, I derived a score of 13.*

I considered this score in conjunction with the other validity checks which involved consideration of the appropriateness of Kim's language, the interview style, Kim's motives to report, the presence or absence of any contradictory statements, any physical evidence supporting or contradicting Kim's statement, the presence of any elements which are known by professionals in the field to be characteristic of such offences, and other factors. My conclusion was that Kim's statement has some of the qualities that are consistent with an account of an actually experienced event. Overall, I would not rate Kim's statement as a high quality statement, but the statement could be considered as moderate in terms of the presence of the criteria which indicate the quality of its content.

(alternative last para for enhanced child's testimony)

Dr. Melton: *Thank you, your honour. When I applied criteria-based content analysis to Kim Woods' statement, my conclusion was that 15 of the 18 possible criteria were fulfilled. When I further rated each of the 18 criteria using the scoring system of 0 if the criterion was absent, 1 if the criterion was present and 2 if strongly present, I derived a score of 23. I considered this score in conjunction with the other validity checks which involved consideration of the appropriateness of Kim's language, the interview style, Kim's motives to report, the presence or absence of any contradictory statements, any physical evidence supporting or contradicting Kim's statement and other factors. My conclusion was that Kim's statement has many of the qualities that are consistent with an account of an actually experienced event. Overall, I would rate Kim's statement as a high quality statement, and the statement could be considered as high in terms of the presence of the criteria which are consistent with an account of an actually experienced event.*

(Cross examination of expert witness ... S.V.A. testimony)

Judge : Ms. Goodman, do you wish to direct any questions to Dr. Melton ?

Ms. Goodman : No, your honour.

Judge : Ms. Simmons, you may proceed with any questions the Defense would like to put to Dr. Melton.

Ms. Simmons : If it please the court. Dr. Melton, in your testimony I believe I heard you say that when one applied the content criteria it was important to consider the child's age, experience and verbal and cognitive capacities.

Dr. Melton : *Yes, that's correct.*

Ms. Simmons : I assume then that you administered formal standardised tests to determine Kim's cognitive and verbal capacities.

Dr. Melton : *Well, no. I did not administer such tests only because I felt it was unnecessary to do so. From the transcript of interview, I was satisfied that Kim's capacities in those areas were what might be expected from a 9 year old of, at least, average general ability.*

Ms. Simmons : But, doctor, you make claims that this criteria based content analysis is a scientific technique, and yet in regard to Kim's cognitive capacities you've relied on your own judgement, rather than the many tests available to you.

Dr. Melton : *I have many years experience in studying age related language behaviour and cognitive abilities. My judgement of Kim's cognitive capacities was not made in a vacuum.*

Ms. Simmons : Well, doctor, when the jurors come to their own judgement of the usefulness and validity of the one test you did apply, the content analysis procedure, it would seem that there's a paucity of research evidence to guide them. The results of the field study you mentioned may look impressive, but is it not true that other psychologists have raised questions about the methods and results of that study.

Dr. Melton : *That is true, but it is a characteristic of most psychological research that questions are raised and criticisms are made. In fact, psychology advances as a science precisely because of this.*

Ms. Simmons : In the particular study you mentioned , you said that content analysis appeared to discriminate remarkably between the children's statements in 20 supposedly confirmed cases and 20 so-called doubtful cases of sexual abuse. But, doctor, one has only to read that study to see that cases were classified as "doubtful" because there was a lack of prosecution, or the judge dismissed the case at the committal stage, or there was persistent denial by the accused. Let us assume that the so-called "doubtful" cases were cases in which sexual abuse had in fact occurred but that the critical difference between the so-called "doubtful" cases and the so-called

"confirmed" cases was that the child witness was unconvincing for some reason. They might have felt so frightened at the time of the incident that many details escaped them or they may have been reluctant to speak fully when interviewed or they may simply have been lacking in verbal skills or cognitive capacity. Would it not follow that when children are unconvincing witnesses, prosecutors might be unlikely to press charges, judges might dismiss the case at the committal hearing because a conviction is unlikely, and defense lawyers would be unlikely to advise their clients to admit to the charges.

Therefore, doctor, it would not be surprising, would it, if the cases which were classified as doubtful because there was a lack of prosecution, or there was a judicial dismissal, or there was denial by the accused, were precisely the ones in which children's statements came out poorly on the criteria based analysis ... is that not so !

Dr. Melton: *That may be so, but there were two other criteria used by those researchers. When they classified the 20 cases as doubtful there was a lack of medical evidence in 19 of the cases and in 14 cases lie detector results indicated that the alleged perpetrators were not lying when they denied the charges. The results of the content analyses cannot be explained away by saying that the doubtful cases were selected because the children's statements were unconvincing. The quality of the child's statement was not one of the criteria used in classifying cases initially as either "confirmed" or "doubtful".*

Ms. Simmons : You've used a procedure for which most of the scientific conclusions are based on meagre research. I put it to you that this is hardly sufficient for any procedure to be accepted as reliable and valid by the scientific community.

Dr. Melton : *There is a relative lack of published research, but that's to be expected as the procedure is relatively new to us in the Anglo-American world. However, content analysis of a child's statement using the same or similar criteria has been an established, in fact a mandatory procedure in the German legal system for forty years, and German psychologists who have used the procedure extensively have reported their satisfaction with the validity of criteria-based content analysis .*

Ms. Simmons : If it please the court, I have no further questions.

Judge : Thank you, Dr. Melton, you may stand down

COURT-APPOINTED EXPERT
Children's general capabilities testimony

Judge : Call Dr. Melton to the stand.
(Dr. Melton comes to the stand and is sworn in)

(1) Are you Dr. John Melton ?

Dr. Melton : *Yes.*

(2). And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's competence to give testimony.*

(3) Dr. Melton, you have been called into this court to give expert testimony... not as a witness for the prosecution, and not as a witness for the defense. Do you understand that ?

Dr. Melton : *Yes, your Honour.*

(4) Have you had any communication with either counsel for the defense or the prosecuting counsel or anyone acting on their behalf on any matter regarding this case ?

Dr. Melton : *No.... I have not, your Honour.*

(5) Dr. Melton, do you understand that you are in this court to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : *Yes, your Honour.*

(6) There are four separate matters I intend to raise with you, doctor, about children in general. The first of these concerns delayed reporting. In my experience on the bench, I have observed that most victims of a crime report it as soon as possible. Is it likely that a child, who is, say, a victim of sexual assault... might behave differently and not report the matter straight away.

Dr. Melton : *Yes, your Honour... in fact, it is very likely that a child in this situation would delay reporting or disclosing such matters. You see, relationships between adults and children involve power imbalances which make them different to relationships between adults, so it is quite likely that a child who is a victim of sexual assault will not behave as we might expect an adult to do in such a situation.*

In 1983 , Dr. Roland Summit identified a number of typical reactions of child victims of sexual abuse, one of which was delayed disclosure. Recently in America, researchers studied a large number of sexual abuse cases and found that in three quarters of the cases there had been lengthy delays in reporting the abuse.

- (7) Can you tell us why this might be so.... why children so commonly fail to tell anyone about incidents of sexual abuse ?

Dr. Melton : *There are a number of reasons why a child might delay telling anyone about such an incident . For example... fear of retaliation... threats or inducements to keep a secret... a feeling of guilt or self blame in the child....fear of hurting a loved one.*

- (8) Doctor, from your knowledge of the research, can we expect children to provide complete and accurate accounts of events and incidents.... as complete and accurate as a normal adult might provide ?

Dr. Melton : *We need to clarify what sort of incidents we are asking children to recall. A lot of research has involved showing children slides or films, and the results of such studies may not be good indicators of children's capacities to report, say, sexual assaults in which they were victimized. There has been research into young children's memories of a short , playful interaction with an unfamiliar adult male, and when tested four or five days after the event, there were only minor differences between age groups... three year olds had poorer recall than six year olds, but the six year olds did as well as adults in answering objective questions and in identifying the man with whom they had interacted.*

In general, the conclusions from research are that while younger children may provide less complete accounts than older children and adults, the differences are small... and the accuracy of the accounts may not vary much at all with age.

- (9) I suppose it's possible, Dr. Melton, that a young child with, say, an active imagination, might sometimes have difficulty distinguishing between fact and fantasy. Has there been any research on children's abilities to distinguish between their memories of actual events on the one hand and those things which are mere figments of imagination on the other...

Dr. Melton: *There has, your Honour. Perhaps, I should say at the outset that there are circumstances under which adults sometimes confuse fact and fantasy. The important question, of course, is whether children have more difficulty than adults in distinguishing between memories for actual events and the products of their imaginations and thoughts. Piaget, a well-known developmental psychologist, believed, from his observations, that children can clearly and consistently distinguish between the real and the imaginary from about seven or eight years of age and recent research supports his beliefs about children's abilities.*

Some research findings have indicated that even children as young as six years can be as accurate as adults when asked to distinguish between memories of what they had said themselves and what someone else had said to them.

- (10) Well, doctor, the final question I'll put to you is whether a young child is more susceptible to suggestion than an adult ?

Dr. Melton : *The answer is not straightforward. Research indicates that both*

children and adults may be susceptible to the influence of suggested material, and the extent depends on the particular circumstances prevailing. Whether children are more susceptible than adults appears to depend on other factors as well as age..... such factors include the degree of suggestion; whether the information to be recalled was central or not in the incident; the strength of the memory; the status of the person asking the questions; the levels of intimidation and stress experienced by the child, and more.

Some studies have found no evidence of increased suggestibility among children. In one study, subjects ranging in age from 5 to 22 witnessed a live confrontation and two weeks later, were asked to recall what happened. There were no age differences for accuracy of recall, and the children, even those as young as five, were no more susceptible to misleading information about the event than the adults.

- (11) Well, doctor, can you assist the court by giving us some conclusions which are a little more definite about the ages at which children may be unduly influenced by misleading information ?

Dr. Melton : *Taken together, the results of research in this area indicate that children under seven years of age may be particularly vulnerable to misinformation, but only when that information is concerned with relatively unimportant, peripheral details of events. When the information is a central part of the event, young children may not be any more susceptible than adults to suggestive influence.*

Research findings also indicate that stress tends to focus children's attention on central information, and would therefore lead to a decrease in suggestibility for such details... we could reasonably conclude by saying that if a child were involved in a stressful event, such as a sexual assault... even a child as young as three or four years would, in all likelihood, be no more susceptible to misleading information about the central details of the event, than an adult would be.

**Expert witness for the Prosecution
Children's general capabilities testimony**

Ms. Goodman : I call Dr. John Melton to the stand.

(Dr. Melton comes to the stand and is sworn in)

(1) Ms. Goodman : Are you Dr. John Melton ?

Dr. Melton : Yes.

(2) Ms. Goodman : And what is your profession, Dr. Melton ?

Dr. Melton : *I am a psychologist with a background of research experience in developmental psychology, and a particular interest in research concerning children's competence to give testimony.*

(3) Ms. Goodman : Dr. Melton, you have been called into this court as a witness for the prosecution. Do you understand that you are to answer the questions put to you in an impartial fashion and as fully as you are able ?

Dr. Melton : Yes.

(4) Ms. Goodman : There are four separate matters I intend to raise with you, doctor, about children in general. Firstly, would a child who is a victim of a sexual assault report the incident straight away ?

Dr. Melton : *Yes.. in fact, it is very likely that a child in this situation would delay reporting or disclosing such matters. You see, relationships between adults and children involve power imbalances which make them different to relationships between adults, so it is quite likely that a child who is a victim of sexual assault will not behave as we might expect an adult to do in such a situation.*

In 1983 , Dr. Roland Summit identified a number of typical reactions of child victims of sexual abuse, one of which was delayed disclosure. Recently in America, researchers studied a large number of sexual abuse cases and found that in three quarters of the cases there had been lengthy delays in reporting the abuse.

(5) Ms. Goodman : Can you tell us why this might be so.... why children so commonly fail to tell anyone about incidents of sexual abuse ?

Dr. Melton : *There are a number of reasons why a child might delay telling anyone about such an event . For example... fear of retaliation... threats or inducements to keep a secret... a feeling of guilt or self blame in the child.... fear of hurting a loved one.*

(6) Ms. Goodman : Doctor, from your knowledge of the research, can we expect children to provide complete and accurate accounts of events and incidents.... as complete and accurate as a normal adult might provide ?

Dr. Melton : *We need to clarify what sort of incidents we are asking children to recall. A lot of research has involved showing children slides or films, and the results of such studies may not be good indicators of children's capacities to report, say, sexual assaults in which they were victimized. There has been research into young children's memories of a short , playful interaction with an unfamiliar adult male, and when tested four or five days after the event, there were only minor differences between age groups... three year olds had poorer recall than six year olds, but the six year olds did as well as adults in answering objective questions and in identifying the man with whom they had interacted.*

In general, the conclusions from research are that while younger children may provide less complete accounts than older children and adults, the differences are small... and the accuracy of the accounts may not vary much at all with age.

(7) Ms. Goodman : *Has there been any research on children's abilities to distinguish between their memories of actual events on the one hand and those things which are mere figments of imagination on the other...*

Dr. Melton : *There has... Perhaps, I should say at the outset that there are circumstances under which adults sometimes confuse fact and fantasy. The important question, of course, is whether children have more difficulty than adults in distinguishing between memories for actual events and the products of their imaginations and thoughts. Piaget, a well-known developmental psychologist, believed, from his observations, that children can clearly and consistently distinguish between the real and the imaginary from about seven or eight years of age and recent research supports his beliefs about children's abilities.*

Some research findings have indicated that even children as young as six years are as accurate as adults when asked to distinguish between memories of what they had said themselves and what someone else had said to them.

(8) Ms. Goodman : *Well, doctor, is a young child is more susceptible to suggestion than an adult ?*

Dr. Melton : *The answer is not straightforward. Research indicates that both children and adults may be susceptible to the influence of suggested material, and the extent depends on the particular circumstances prevailing. Whether children are more susceptible than adults appears to depend on other factors as well as age..... such factors include the degree of suggestion; whether the information to be recalled was central or not in the incident; the strength of the memory; the status of the person asking the questions; the levels of intimidation and stress experienced by the child, and more.*

Some studies have found no evidence of increased suggestibility among children. In one study, subjects ranging in age from 5 to 22 witnessed a live confrontation and two weeks later, were asked to recall what happened. There were no age differences for accuracy of recall, and the children, even those as young as five, were no more susceptible to misleading information about the event than the adults.

(9) **Ms. Goodman :** Can you be a little more definite about the ages at which children may be unduly influenced by misleading information ?

Dr. Melton : *Taken together, the results of research in this area indicate that children under seven years of age may be particularly vulnerable to misinformation, but only when that information is concerned with relatively unimportant, peripheral details of events. When the information is a central part of the event, young children may not be any more susceptible than adults to suggestive influence.*

Research findings also indicate that stress tends to focus children's attention on central information, and would therefore lead to a decrease in suggestibility for such details... we could reasonably conclude by saying that if a child were involved in a stressful event, such as a sexual assault... even a child as young as three or four years would, in all likelihood, be no more susceptible to misleading information about the central details of the event, than an adult would be.

Ms. Goodman : Thank you, Dr. Melton. I have no further questions, your Honour.

Judge : Ms. Barlow, you may proceed with any questions the Defense would like to put to Dr. Melton ?

Cross examination of expert follows ..same as court-appointed expert's cross examination

**Cross examination of expert witness
Children's general capabilities testimony**

Judge : Ms. Goodman, Do you wish to direct any questions to Dr. Melton ?

Ms. Goodman : No, your Honour.

Judge : Ms. Barlow, you may proceed with any questions the Defense would like to put to Dr. Melton ?

Ms. Barlow : If it please the Court. Doctor Melton, you have given the Court a number of conclusions drawn from psychological research. I put it to you that everything you've told us here today is based on group probability data. Has this any relevance to the individual child in this case, Kim Woods. Does it tell us anything about Kim's capabilities, Kim's ability to distinguish fact from fantasy, or Kim's susceptibility to suggestion ?

Dr. Melton : *It is true that I have not made any assessment of Kim's capabilities and I am in no position to make any statement about Kim as an individual, nor did the Court request that this be done. However, research has shown there are often discrepancies between the general public's beliefs about children's abilities and the findings from psychological studies of their abilities at different levels of development. I trust the information I provided might counter any misconceptions about children and help facilitate the jurors' task of weighing the child's evidence on its own merits, free of any misconceptions.*

Ms. Barlow : Are you suggesting, doctor, that the jurors in this case have wrong ideas about children's abilities ?

Dr. Melton : *I am in no position to say anything about the jurors, either individually or collectively.*

Ms. Barlow : But you are suggesting it's possible that some or all of the jurors have misconceptions about children, are you not ?

Dr. Melton : *From what we know of attitudes and beliefs in the general population, and assuming this panel of jurors is representative of that population, then the answer is yes, it is possible.*

Ms. Barlow : It's also possible, is it not, Dr. Melton, that you may have presented the Court with another set of misconceptions by selectively quoting particular research findings and not others.

Dr. Melton : *The research on each of the matters I mentioned earlier is extensive. I could, for example, spend a day informing the Court in detail of the research into just children's degrees of suggestibility. Clearly, this is not feasible and I have attempted to summarise in a succinct but comprehensive manner. The conclusions which I've presented are in accord with summaries from other reviews of the relevant literature.*

Ms. Barlow : You told us some findings about suggestibility. Is it not true that research has shown that children are much more suggestible when an adult supplies misleading information than when another child supplies the information ?

Dr. Melton : *One has to allow that in any age group there is a range of individual differences. Nevertheless, research has shown this can be the case but...*

Ms. Barlow (interrupting) : Just answer yes or no, doctor. I'll repeat the question for you. Are young children more vulnerable to the influence of misleading information when that information is supplied by an adult, rather than another child

Dr. Melton : *Yes, that can be so .*

Ms. Barlow : And, doctor, is it not also true that in one study several children in the 6 to 9 year age group who agreed with misleading information reported that they had 'gone along' with the misleading suggestions because they thought that was what the adults wanted. Just answer yes or no .

Dr. Melton : *Well, that also can be so, but may I add something, your Honour ...*

Judge : As long as it's relevant to the question put to you by Counsel, you may go ahead, doctor.

Dr. Melton : *Thank you, your Honour. The point is that in studies of children's memories and their levels of suggestibility, there is an important distinction between the central events and the peripheral matters of little importance. With peripheral information, young children consistently display poorer recall and greater suggestibility, but this is not the case with central events which are important to the child.*

Ms. Barlow : You told the Court that children from about 7 or 8 years of age can distinguish between the real and the imaginary, but hasn't research shown that children as old as 9 may have difficulty distinguishing between what they did and what they imagined they did.

Dr. Melton : *Research indicates that with some children that may be true, but in general there was no difficulty for nine year old and younger children when it came to distinguishing between what they had seen others do and what they had imagined themselves doing. The point about children's imaginations , your Honour, is that children aged 7 and under do not have full capacity for abstract thought so their imaginative fantasies are based on actual experiences, and these fantasies are positive in tone, reflecting the child's wishful thinking. In fantasies, the child is a hero, not a victim. It is unlikely, therefore, that a child's description of sexual victimisation could be attributed to fantasy.*

Ms. Barlow : I gather that in any research into children's abilities, the individual differences within any single age group can be as extensive as the differences found between different age levels. So, when you tell us that generally children of a certain age are capable of this or that, we still cannot know whether Kim, the child in this case, is functioning at that level or below that level. It is possible that Kim may be very susceptible to suggestion even when the research shows that children generally at that age level are not.

Dr. Melton : *Well.. on any ability which we measure, there will be a range of differences, whether we are testing children at particular ages, or adults. What does emerge from the types of research which I've mentioned is an indication of what we can expect as normal or average levels of functioning for specific age groups.*

Ms. Barlow : Thank you, doctor. If it please the Court, I have no further questions.

Judge : Thank you, Dr. Melton, you may step down.

(Mr. Woods comes to the stand and is sworn in)

**(Defendant's Testimony follows ...
same as used in experiments 1,2,3.)**

Ms. Goodman (Closing address)

Thank you, your honour.

Members of the jury, the accused stands charged of having sexual intercourse with a young person, in this case, his own child, Kim Woods. You need only be satisfied that sexual intercourse took place... that Kim is under the age of 12 years, for consent is never a defence under that circumstance.... and that the accused is responsible. Kim's evidence is that sexual intercourse did indeed take place. There is no question that Kim is under 12 years of age. The question therefore is whether this accused had sexual intercourse with her.

The defence have been able to point to no motive for Kim or her mother fabricating such a story against Mr. Woods. Therefore it is clearly open to you to find that this accused is guilty beyond reasonable doubt of the crime of sexual intercourse with a young person.

The accused also stands charged of aggravated sexual assault. The question is whether he used any part of his anatomy other than his penis to penetrate Kim's vagina or anus to the least degree. Kim's evidence is that her father penetrated her vagina with his finger, and that the nature of the penetration was such that it did not happen inadvertently. Therefore it is clearly open to you to find that the accused is guilty beyond reasonable doubt of aggravated sexual assault.

Ms. Simmons : (Closing address for the defence)

Members of the jury, you've heard the evidence. From the testimony of Dr. Brennan, who examined Kim, it is not clear that the child had sexual intercourse with anyone. There is also no evidence other than Kim's own statement that any form of sexual assault occurred at all... and we have only Kim's statement as to the identity of any person who may have been involved.

It is highly likely that Kim simply misinterpreted her father's actions when he sought to relieve the pain of her leg cramps. It is highly likely that Kim was later influenced by suggestions from Mrs. Woods. Indeed, you may well think that the idea that Mr. Woods was responsible came from Mrs. Wendy Woods, the child's mother.

You have heard Mr. Woods deny that he had sexual intercourse with Kim. He admitted in testimony that it was possible that he may have inadvertently made contact with Kim's genitals while he was massaging her legs, but he has consistently denied that there was any form of penetration of Kim's genitals with any part of his anatomy... and his evidence was not shaken by cross examination. In all the circumstances I submit that there is insufficient evidence to satisfy you beyond reasonable doubt that Mr. Woods is guilty of these offences. I urge you to return a verdict of not guilty on both charges.

Judge : (final instructions) (psych. consequences testimony)

Men and women of the jury, the evidence is a matter for you to decide. The responsibility for the verdict is yours and yours alone. You should consider seriously the submissions which the counsels have made to you. You are free to reject them but you must give them your serious attention.

On the first charge of aggravated sexual assault... The ingredients of the crime of aggravated sexual assault are intentional penetration of the vagina or anus by a part of the body other than the penis, or by an inanimate object, such penetration being unlawful and indecent.

The defence has submitted that such penetration may have occurred but that if penetration did occur it was by an inadvertent gesture and was not intentional. The fact which the Crown must prove to your satisfaction, beyond reasonable doubt is that Paul Francis Woods using an inanimate object or a part of his body other than his penis did penetrate to even the least degree the vagina or anus of Kim Woods, and that the accused had the intention to indecently assault his daughter.

On the second charge of the more serious crime of sexual intercourse with a young person, the fact that the Crown must prove beyond reasonable doubt is that Paul Francis Woods had sexual intercourse with the child, Kim Woods. Bear in mind that consent is never a defence to either of the alleged crimes, in any circumstance when a child is under the age of 12 years. Bear in mind also that a child cannot be held responsible for the action of an adult. The responsibility for refraining from sex with a child lies wholly with the adult.

You have heard the testimony of Dr. Melton, a psychologist. His testimony has provided the court with a description of the behavioural and emotional reactions commonly observed in sexually abused children. Bear in mind that Dr. Melton's testimony is merely to provide information which you are free to use or reject in your decision making. You are the trier of fact and are solely responsible for any decisions you make.

The question for you to consider is whether the facts have been proved, and your decisions on this question will be the foundation of your verdicts. The ultimate decision is yours. Retire now and consider your verdicts.

Judge : (final instructions) (S.V.A. testimony)

Men and women of the jury, the evidence is a matter for you to decide. The responsibility for the verdict is yours and yours alone. You should consider seriously the submissions which the counsels have made to you. You are free to reject them but you must give them your serious attention.

On the first charge of aggravated sexual assault, The ingredients of the crime of aggravated sexual assault are intentional penetration of the vagina or anus by a part of the body other than the penis, or by an inanimate object, such penetration being unlawful and indecent.

The defence has submitted that such penetration may have occurred but that if penetration did occur it was by an inadvertent gesture and was not intentional. The fact which the Crown must prove to your satisfaction, beyond reasonable doubt is that Paul Francis Woods using an inanimate object or a part of his body other than his penis did penetrate to even the least degree the vagina or anus of Kim Woods, and that the accused had the intention to indecently assault his daughter.

On the second charge of the more serious crime of sexual intercourse with a young person, the fact that the Crown must prove beyond reasonable doubt is that Paul Francis Woods had sexual intercourse with the child, Kim Woods. Bear in mind that consent is never a defence to either of the alleged crimes, in any circumstance when a child is under the age of 12 years. Bear in mind also that a child cannot be held responsible for the action of an adult. The responsibility for refraining from sex with a child lies wholly with the adult.

You have heard the testimony of Dr. Melton, a psychologist. His testimony has provided the court with his assessment of the quality of the content of Kim Woods' statement, using criteria which he states are able to validly and reliably differentiate between accounts of actually experienced events and accounts of events which have not been experienced. Bear in mind that Dr. Melton's testimony is merely to provide information which you are free to use or reject in your decision making. You are the trier of fact and are solely responsible for any decisions you make. The question for you to consider is whether the facts have been proved, and your decisions on this question will be the foundation of your verdicts. The ultimate decision is yours. Retire now and consider your verdicts.

Judge : (final instructions) (children's general capabilities testimony)

Men and women of the jury, the evidence is a matter for you to decide. The responsibility for the verdict is yours and yours alone. You should consider seriously the submissions which the counsels have made to you. You are free to reject them but you must give them your serious attention.

On the first charge of aggravated sexual assault, The ingredients of the crime of aggravated sexual assault are intentional penetration of the vagina or anus by a part of the body other than the penis, or by an inanimate object, such penetration being unlawful and indecent.

The defence has submitted that such penetration may have occurred but that if penetration did occur it was by an inadvertent gesture and was not intentional. The fact which the Crown must prove to your satisfaction, beyond reasonable doubt is that Paul Francis Woods using an inanimate object or a part of his body other than his penis did penetrate to even the least degree the vagina or anus of Kim Woods, and that the accused had the intention to indecently assault his daughter.

On the second charge of the more serious crime of sexual intercourse with a young person, the fact that the Crown must prove beyond reasonable doubt is that Paul Francis Woods had sexual intercourse with the child, Kim Woods. Bear in mind that consent is never a defence to either of the alleged crimes, in any circumstance when a child is under the age of 12 years. Bear in mind also that a child cannot be held responsible for the action of an adult. The responsibility for refraining from sex with a child lies wholly with the adult.

You have heard the testimony of Dr. Melton, a psychologist. His testimony has provided the court with results from psychological studies which have investigated the behaviours displayed by children of various ages. Bear in mind that Dr. Melton's testimony is merely to provide information which you are free to use or reject in your decision making. You are the trier of fact and are solely responsible for any decisions you make.

The question for you to consider is whether the facts have been proved, and your decisions on this question will be the foundation of your verdicts. The ultimate decision is yours. Retire now and consider your verdicts.

Appendix 11

Appendix 11.1 : Codebook used for the content analysis of deliberations in Experiments 1 and 2

Appendix 11.2 : Summary sheet used for content analysis of each jury group's deliberation

Appendix 11.3 : Application of the content analysis codebook criteria to a deliberation transcript.

This codebook has been adapted and revised by M. Crowley
from the original codebook prepared by

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	Page
CODEBOOK INDEX	365
Organization and use of this codebook	367
 Secs. 10 - 19 : Explanation given by Juror for BELIEF of the alleged victim or the defendant	 374
10 General belief.....	375
11 Appropriate demeanor	376
12 No cognitive distortion	377
13 No reason to lie	378
14 Appropriate behavior based on age	379
15 Appropriate behavior based on relationship	380
16 Appropriate behavior (other)	381
17 Sufficient explanation	382
18 Naivete	383
19 Appropriate quality of interview & cross examination	384
 Secs. 20 - 29 : Explanation given by Juror for DISBELIEF of the alleged victim or the defendant	 385
20 General disbelief	385
21 Inappropriate demeanor	386
22 Cognitive distortion	387
23 Motivation to lie	388
24 Inappropriate behavior based on age	389
25 Inappropriate behavior based on relationship	390
26 Inappropriate behavior (other)	391
27 Insufficient explanation	392
28 Intellectual capacity to lie	393
29 Inappropriate interview and cross examination	394
 Secs. 30 - 60 : Discussion of evidence	 395
30 Victim's testimony discussed	396
31 Inconsistencies bet. child's and defendant's testimonies	397
40 Defendant's testimony discussed	398
50 M Mother's testimony discussed	399
50 Dr Medical doctor's testimony discussed	400
50 Psy Psychologist's testimony discussed	401

51 M	Mother's testimony enhances case	402
52 M	Mother's testimony does not enhance case	402
51 Dr	Medical doctor's testimony enhances case	403
52 Dr	Medical doctor's testimony does not enhance case	403
51 Psy	Psychologist's testimony enhances case	404
52 Psy	Psychologist's testimony does not enhance case	404
53	Alleged victim corroboration missing	405
54	Defendant background / history missing	406
55	Family background / history	406
60	Inaccurate juror statements	407
Secs.71 - 86 : Juror conclusions		408
71	Appropriate : sufficient evidence : conviction	409
72	Appropriate : insufficient evidence : acquittal	409
73	Appropriate : insufficient evidence : no verdict given	410
81	Inappropriate juror statements : conviction	411
82	Inappropriate juror statements : acquittal	412
83	Inappropriate juror statements : no verdict	413
84	Concern about consequences for child	414
85	Concern about consequences for defendant	414
86	Reasonable doubt & its relation to verdicts	415
Secs. 90 - 96 : Process Issues		416
90	Verdict statements or questions, unelaborated	417
91	Rule and role focus	418
92	Task focus.....	419
94	Refusal to deliberate : totally irrelevant statements	421
95	Experimental realism : problems or distractions	422
96	Alternative hypotheses about the alleged incident	423
96 M	Alternative hypotheses involving the mother	423
Secs. 97 - 99 : Miscellaneous categories		424
97	Anecdotes (personal and non-personal)	424
98	References to lawyers	425
99	Uncodable statements	426

ORGANIZATION AND USE OF THIS CODEBOOK

Purpose of this manual.

This manual has been specifically devised to allow the categorization of statements made during simulated jury deliberations following a mock child sexual abuse trial. The purpose of categorizing the statements is to help in understanding how the jurors evaluated the various trial participants and the different versions of the alleged events, and how important were such valuations to the jurors in reaching their verdicts. Consequently, the categories into which this manual classifies statements are specific to the content of the trial scenario which the mock jurors saw on videotape prior to their deliberations.

The trial scenario

The trial scenario which was developed and shown to mock jurors involved conflicting accounts of a child (age 6, 9 or 12 years) and his/her father. The scenario allowed scope for jurors to surmise possible motivation for fabrication from either of the complainant child's parents, if they so desired. The child's parents had separated months before the alleged incident. The child normally resided with the mother, but spent some weekends with the father.

On the last such weekend stay, the child stated that s/he had developed leg cramps during the night and had left the bedroom to seek help from his/her father in the living room. The father had responded by removing the pyjama pants and then rubbing the affected areas of the legs vigorously with oil. The father then alleged that the child had fallen asleep after some minutes of rubbing and had been taken back to bed. The child alleged that the rubbing had developed further and was extended to the genital area, following which the father had then introduced something into the anus/vagina which was extremely painful. The child alleged having screamed out and requested the father to stop, but that the father continued and moved up and down above the child. The child alleged that s/he had kept his/her eyes closed throughout, but found the experience extremely painful.

The father was alleged to have subsequently bribed the child with chocolate in an attempt to avoid disclosure, which came a month later when the child declined to return to the father's house, and revealed to the mother what had allegedly occurred.

In some trial variations expert psychological testimony was presented concerning major findings from research into children's memory competence, susceptibility to suggestion and reality monitoring, that is the ability to discern fact from fantasy.

In all variations of the trial, testimony was given by the child's mother, and also a doctor who examined the child after disclosure. All trial variations included an introductory statement from the judge, closing statements made by the prosecution and defense counsels, and final instructions from the judge.

Each mock jury comprised six jurors and the deliberation time was constant for all groups at 25 minutes. The deliberations were videotaped and transcripts of the jurors' statements were made.

The content categories

The content categories listed in this codebook have been selected both on the basis of theoretical predictions that certain types of statements were likely to be made, and on the basis of observations of the types of statements actually made during deliberations. Some categories are likely to be used much more frequently than will others, but even infrequently used categories will provide us with important information on the nature of the jurors' decision making process.

The distinctions between some of the categories are subtle. An effort has been made to provide a definition for each category which will differentiate it from all other categories. Information on cross referencing between categories also is provided in order to facilitate the coding process. Some categories also specify a hierarchical comparison with similar categories. These hierarchies will allow the coder to determine which category has priority over another in cases where a statement appears to meet the inclusion criteria for both categories.

Organization of this codebook

Similar content categories have been grouped together in order to facilitate the task of the coder. There are six groups of content codes : belief; disbelief; discussion of evidence; juror conclusions; process issues; and miscellaneous codes. The group of belief codes consist of nine specific codes and one general code for statements made in which the juror indicates that the testimony presented was credible. The specific codes indicate that the juror has raised a particular issue such as the speaker's demeanor, or appropriateness of the behavior exhibited by the trial participant. Similarly the group of disbelief codes consist of nine specific codes and one general code pertaining to statements in which the juror indicates that the testimony was not credible. In both the belief and disbelief code groups, statements are labelled according to whether they pertain to the alleged victim or to the defendant. The issues of cognitive distortion, appropriate behavior for age, and naivete relate only to the child.

The codes in the discussion of evidence section include statements which discuss the testimonies of the victim, the defendant, the mother, the doctor and the psychologist, and which emphasise the factual aspects of these testimonies. There are also categories for statements in which the jurors discuss the impact of testimony which could have been presented but which was actually missing from the trial. There is one category in the evidence section for inaccurate fact statements made by the jurors.

In the codes for juror statements of a summary nature, statements are classified as either appropriate or inappropriate depending on whether or not the juror has followed the rules provided and whether or not the conclusions are based on evidence presented. In addition to being classified as appropriate or inappropriate, statements are also labelled depending on whether they are associated with conviction, acquittal or no verdict. There are also categories for discussion of the consequences for the child and the father, and discussion of reasonable doubt and its relation to verdicts.

The process codes include categories in which the focus of the juror's statement indicates that the juror is attempting to deliberate, but the specific content of the

juror's statement does not clearly fit into one of the more specific codes. Process statements may be classified as statements regarding verdict, attempts to clarify the jurors' roles and rules of the deliberation, or as indicators of a general task focus. There are also categories which deal with the jurors' refusal to deliberate or any juror discussion of experimental realism. There is a specific category for those statements in which the jurors advance hypotheses about alternative explanations for the alleged event.

The miscellaneous group of categories consists of three codes. These are codes which did not clearly fit conceptually with other codes. Rather than associate these codes in a confusing fashion with the other codes, a separate group of miscellaneous codes was formed. There is no common theme for these codes. The codes listed under this group include juror references to lawyers, the juror's use of personal anecdotes, and statements which are felt to be uncodable.

Task of the coder

Coders read the transcripts of the jury deliberations and assign all statements in the transcripts to the categories defined in this codebook. Not all statements fit neatly into these categories, but the codebook provides instructions on how to decide where the "best fit" will be found. Coders work independently, and disagreements between coders are resolved by an independent arbiter. The final codes are then entered into a data file for analysis.

Use of the transcript

All statements on the transcripts are labelled with a number to identify which juror (1-6) made the statement. The task of the coder is to assign each statement to one of the content categories defined in this codebook. All statements are assigned a code. Statements which do not meet criteria for inclusion under one of the specific categories will be coded under section 99, (Uncodable statements). Codes which are assigned should be written on the transcript in the left margin.

Unit of codable speech

The intention of the coding system is to allow most juror statements to be assigned to a single category. In order to achieve this end a special type of speech unit has been defined. The unit of codable speech is called the constructive speech turn.

Normally a speech turn is however much a juror says until another juror speaks. A constructive speech turn is that portion of a juror's speech which deals with one substantive topic. The purpose of using the constructive speech turn as the unit of codable speech is to allow the coder to accurately classify statements which are unusually long or complex. For example, if a juror changes in mid-speech to a second topic, it is coded as a second speech turn. This is discussed below under Multiple Coding.

The standards of codability regarding minimum length of a statement are that a statement must have sufficient content not to be ambiguous. By convention, single-word statements are not coded unless they are very clear. Often the single-word statements in the transcripts are responses to questions posed by other jurors.

Nouns, verbs and other single words are often codable. These brief statements should be coded in as specific a category as possible, just like all other statements. However, because there is not much context provided with these single-word statements, they are often coded under Sec. 92 (Task focus), because they are attempts to move the deliberation along. Statements such as "yeah", "Well", "Ummm" or other vague terms are better left uncoded (see Sec. 99).

If a juror briefly indicates agreement with a statement by the preceding juror, such agreement must be very clear in order for you to assume the meaning intended by the second juror.

Ambiguous statements

In coding ambiguous statements, there are three guides to follow. First, look at the context to clarify the statement. Second, code for the clearest surface meaning. Do not infer more than is minimally necessary in order to code a statement. Third, if a statement can be coded for more than one category, and the decision rules for those categories do not specify which category has primacy, code for the issues more closely linked to the independent variables of child age and presence/absence of expert psychological testimony.

Abstract and general statements such as "people", "kids", "he/she" and the like should be coded as if they refer to the trial participants. Use the context of the statements to determine which trial participant is being referenced.

Use of context

If a statement standing alone is unclear regarding its meaning, look to the nearby context to clarify the statement. In general, nearby context includes all preceding and/or subsequent statements up to and including the preceding and/or subsequent statement by the same juror whose statement you are attempting to code. However, do not allow a strict adherence to this rule to force you to disregard a general theme which a juror has developed throughout the deliberation if such a theme can help clarify the statement in question. Juror statements are to be coded according to their meaning. The coder should not adopt a slavish adherence to the surface content of a statement if it is clear from the other statements made by that juror that the actual meaning of the statement is other than what the surface content would indicate.

Thus, it will be very helpful to the coder to read all of a transcript before starting the coding process in order to understand the jurors' positions and styles of persuasion and reasoning. Also, once a statement has been coded, the coding of subsequent statements does not require that they exert an influence to change the coding of an earlier statement unless the meaning of the earlier statement is obviously different from what the coder originally thought.

Choosing between codes

Each code listed in this manual provides a definition and examples. Some of the definitions are very brief. Brief definitions are generally associated with categories which have very straight-forward definitions, and these have not generally presented much difficulty for the coders during pilot studies. Other definitions are rather lengthy and involve a certain degree of judgement and interpretation on the

part of the coder. In order to clarify the process of assigning categorical meaning to the jurors' statements, examples have been provided. These examples help the coder understand the common theme that is found among statements which are coded under a specific category.

There are a few basic guidelines which should be followed in coding.

First, classify a statement into the most specific category for which the inclusion criteria are met. A more general category should be used only when a more specific category is inappropriate. A hierarchy of specificity for the codes is as follows :

Sec. 92 is the most general, and should be chosen only after all other codes have been excluded except for some specific content themes which are listed under the Sec. 92 definition ;

Sec 10 and Sec. 20 are moderately general ;

Sec 71-73 and Secs. 81-85 are moderately specific ;

and all other sections not listed above are highly specific.

For example, if a statement meets the criteria for Sec. 21 (Inappropriate demeanor) it should be coded there, even though it might also meet the criteria for Sec. 10 (General belief), Sec. 81 or 82 (Inappropriate juror statements), or Sec. 92 (Task focus).

The **second** guideline is to use the cross-reference instructions given with each category. These cross-reference procedures have been developed to assist the coder in choosing between some of the categories which appear to overlap. **Third**, remember to use context in clarifying statements.

Some statements can be very problematic in assigning codes. If you have narrowed the choice of categories to two similar ones, but are still uncertain regarding which is more appropriate, review the conventions listed for each category. If neither category seems to be more suitable, and neither category is specified as dominant over the other, then as a convention flip a coin to decide. This procedure should be employed only after lengthy consideration of the coding criteria.

Much of the evidence presented in the trial was discussed at different times by different participants. Do not assume that either the defendant or the victim is being discussed unless it is quite clear from the context. However, some themes in the testimony were presented by only one trial participant. If a review of the trial transcript shows that certain information was presented by only one person, and the juror is discussing that information, then you may infer that the juror is making reference to a specific trial participant. An exception to this guide would be when it is obvious that the juror is in error.

If the juror is making a good faith effort to deliberate but it is really unclear what specific topic or which trial participant is being discussed, then Sec. 92 (Task focus) may be the most appropriate category. Only in extreme cases of ambiguity should Sec. 99 (Uncodable statements) be used.

Multiple codes

Jurors often make reference to several issues in a single speech utterance. It is legitimate to code such utterances under several categories if several discrete statements can be isolated and each statement meets coding criteria. Thus, multiple coding of a statement is possible, but this should be done only when the speaker is clearly bringing up distinct points. Some of the coding categories incorporate the fact that several different themes have been discussed as part of the criteria for coding (see Sec. 31 and Secs. 71-83).

Thus multiple coding of statements is a relatively uncommon event and most speech turns will be given only one code. Even if a juror's statement is fairly long (4-8 sentences) it is not necessarily an indication that multiple coding is called for. If all of a statement can be reasonably subsumed under one coding category then do so.

Examples

Examples of juror statements are given following the definition of each category. Occasionally it is helpful to provide a series of statements as they occurred during the deliberation. Such examples are marked "juror 1", "juror 2" etc. to indicate which juror is speaking. All statements are labelled parenthetically with the code which should be assigned to each statement. Some examples are clearly "better fits" in the system of classification than are other examples. A range of examples has been provided so that the coder can see how much diversity statements may exhibit and still be included within the same category.

EXAMPLES OF MULTIPLE CODING FOR STATEMENTS

In spite of the relative infrequency of multiple coding, several examples have been provided. This is because it may be difficult for the coder to feel confident that the correct decision regarding multiple coding has been made.

Note that Sec. 92 is often used when it is not possible to assign a more specific code. In such instances the coder should be cautious about assigning a multiple code for which Sec. 92 is a part. If there is some specific code which is appropriate, then it may not be necessary to use Sec. 92 as well. This caution does not apply to those statements which contain themes which the coder has been specifically instructed to code under Sec. 92.

Codes are given parenthetically within the examples following the key part of the statement which resulted in a particular code, whenever it is possible to do so. At other times the portions of a statement which require multiple coding are not necessarily distinct from one another. In such instances all of the codes assigned to a statement are given after the statement. When several codes are given after the statement they will generally appear in the same sequence as the relevant material in the statement.

Examples

"I'd like to know how, besides another person actually seeing it (53), how you can ever prove that something like this has happened." (91)

"There's something about it. I don't think as a mother that I would want to believe this had happened to my kid, let alone from their father. I think it would be the last thing I would want to believe (97 P), but I'd have to say I do believe that kid we saw." (10 V)

"It seemed to me she didn't have a great knowledge of anything to do with sex (18), but the fact she came out with that was quite convincing and I believed her." (10 V)

"Whereas the father was saying that the mother might have planted the idea (40), but while you can plant an idea in a child's mind, you can't plant the body language." (11 V)

"I mean it's very difficult when people are acting there (95), like I said with the father, as soon as he came on and started to speak, you sort of thought, what a cold sort of man !" (21 D)

"I don't know if he's a family man, they didn't specify that (54), but I do know how mischievous some girls that age can be just to get back because they can't get what they want." (24 V)

"Now he said that she was having an affair, so he believed, while he had been away some weekends (40). I myself am a father of daughters, but that's irrelevant, but one of the big things I would consider is leaving a wife in the house (97 P). Now what's to say that the wife's boyfriend didn't do this to the daughter." (96).

Sections 10 - 29

EXPLANATION GIVEN BY JUROR FOR BELIEF OR DISBELIEF OF ALLEGED CHILD VICTIM OR DEFENDANT

There are ten categories which pertain to the jurors' belief or disbelief of the child witness. Sections 10 and 20 are general belief and disbelief categories and are to be used only when one of the other more specific categories can not be used. The specific categories are used when the juror makes reference to particular issues, such as the speaker's demeanour or motivation to tell the truth or to lie as having led the juror to believe or to disbelieve the speaker.

Within each of the categories are several issues or themes which typify the kinds of statements which are classified within the category. For example, in section 21 (Demeanour), the themes of "looked evasive", "seemed rehearsed", and "lacked expected affect" are each listed with appropriate examples. These themes are listed separately with the relevant example for the purposes of clarifying and simplifying the task of coding. These should not be looked on as sub-categories. Any statements which meets the coding criteria for section 21 (demeanour) is assigned the same code, regardless of which theme is being addressed by the juror.

It is not always clear which trial participant is the main focus of the juror's statements. For example, statements which appear to be codable as Sec 20 V (Disbelief of the victim) may also be appropriate as Sec.10 D (Belief of the defendant). Similarly, statements which appear to be codable as Sec. 20 D (Disbelief of the defendant) may also be codable as Sec.10 V (Belief of the victim). This type of reciprocity applies to several of the belief and disbelief categories. The coding criteria for each category suggest other codes which may need to be considered by the coder in making the most appropriate assignment of a statement. The coder should refer to those alternate coding sections and code the statement for either belief or disbelief.

Multiple codes from both belief and disbelief should NOT be assigned to a single constructive speech turn.

There may well be additional cross reference choices for the coder which have not been anticipated by this manual. The coder is not restricted to the suggestions offered in the codebook, but should use common sense in reading the transcripts for a balance of surface content and deeper meaning.

The juror does not need to specifically state "I believe or disbelieve him/her because ,,,,". Often the juror's statement will be a simple declarative with no value judgement. However this is usually within a context which makes it quite evident which trial participant is being discussed and what the feeling is regarding that participant. If the context is clear the coder may infer belief or disbelief.

10 BELIEF : testimony of the alleged victim or defendant is accepted as **VALID** or **CREDIBLE**. The juror makes general statements of belief but does not cite specific reasons for such belief. If specific reasons are given for belief refer to Secs. 11-19 and code the statement there if possible. If the juror makes general statements regarding belief and associates them with verdict refer to Secs. 71-73 and code the statement there if possible. If the juror makes general statements based on inappropriate standards or inadmissible evidence, refer to Secs. 81-83 and code there if possible. Only if the statement does not meet the criteria in Secs. 11-19, Secs. 71-73 or Secs. 81-83 should it be coded in Sec. 10.

"I believed him when I saw the tape" (10 V)

"He just seemed to me that he was telling the truth" (10V)

11 DEMEANOUR .. APPROPRIATE : Outward behavior, conduct, deportment, body language, appropriateness of affect or lack of expected affect. The juror alludes to the above issues when discussing why the testimony was believable. This category includes inferences which the juror makes regarding the affective state of the trial participant :

Looked sincere :

"She was real direct and straightforward. She just told what happened." (11 V)

"The guy looked sincere enough." (11 D), but so did the girl (11 V)

Looked confident :

"She really seemed to believe herself and that helped." (11 V)

Looked credible :

"The way he acted it was just so much like a child. It was so natural." (11 V)

Showed expected affect :

"If she was traumatized maybe she wouldn't look upset. Maybe she was calm because it really happened." (11 V)

12 NO COGNITIVE DISTORTION : Reference is made to the child's capability to report on events as they actually happened. With regard to the child, the emphasis is on the inherent ABILITY to RECALL and relate facts, and also the child's ABILITY TO RESIST SUGGESTIONS from whatever source, together with the child's ABILITY TO DISTINGUISH BETWEEN FACT and FANTASY. The juror may also refer to the child's testimony as "consistent". If reference is made to motivational factors responsible for belief of testimony, refer to sec. 13. The distinction between criterion 18 (Naivete) and 12 (No cognitive distortion) is that 18 focusses on the inability to create an untruth, while 12 focusses on the ability to tell the truth.

This category applies only to jurors' statements concerning the alleged victim.

"Kids two and three years old are able to tell you details of things they did." (12)

Memory :

"I think a kid would be able to remember pain like that." (12)

Resistance to suggestion :

"It would be so hard for the mother to convince someone so young to say that." (12)

Distinguishing between fact and fantasy :

"I know a kid of 6 can know the truth. They know the difference between reality and dreams, or lies. The kid would have." (12)

"And she didn't seem to have any problems getting out what she wanted to say, If she had been fed false information that she had been trying to say she would have tried to recall it thinking 'what should I actually say', but she was just saying what ..." (12)

13 NO REASON TO LIE : Truth telling as a natural course to follow, lack of motive to tell a lie, or presence of a motive to tell the truth. Lack of a motive to lie includes altruism, and motivation to tell the truth includes a desire to seek justice. Truth telling because of a desire to avoid the consequences of being caught lying is also coded here. The distinction between 18 (Naivete) and 13 (No reason to lie) is that 18 (Naivete) focusses on inability, while 13 (No reason to lie) focusses on motivation .

Motive to tell the truth

"She's here because it happened to her and she wants him punished." (13 V)

"Children can lie but not when they know the consequences." (13 V)

"Why would a child that age pursue it if it hadn't happened ? " (13 V)

Lack of motive to lie

"That girl wouldn't gain anything from lying about this." (13 V)

"Why would she say it if it wasn't true ?" (13 V)

- 14 APPROPRIATE BEHAVIOR BASED ON AGE :** The child displayed behavior at the time of the alleged event or since the alleged event, which is deemed by the juror to be within the bounds of NORMAL or EXPECTED BEHAVIOR given the AGE of the participant. The juror may refer the appropriateness of the behavior to the child's presumed cognitive and perceptual framework, such as "Given that children of that age do (or think) X, then the child's behavior is appropriate". Any mention of THE LANGUAGE used by the child in describing the incident as being APPROPRIATE FOR HIS/HER AGE is coded here.

Juror statements will usually be clearly associated with belief of the trial participant. However, in cases where the juror does not specifically mention belief but the behavior is referenced as appropriate, you may infer that the juror's belief is present. Statements often use key phrases such as "for a child" or may make specific reference to the age in years. Some SPECIFIC REFERENCE TO AGE IS NECESSARY in order to code a statement under this section. If the juror uses "the child" as simple identification but does not obviously intend that age is important, the statement should NOT be coded here. In such instances, if appropriate behavior is mentioned, refer to section 16 (Appropriate behavior : Other). The context surrounding the statement often determines which trial participant is coded for a given statement.

This category applies only to jurors' statements concerning the alleged victim.

"She's just a child. I don't think you can expect her to know not to trust an adult that she knows." (14)

"I put down that she acted very normally for a 9-year old girl." (14)

15 APPROPRIATE BEHAVIOR BASED ON RELATIONSHIP : the behavior of one of the trial participants when interacting with another of the trial participants is deemed by the juror to be within the bounds of what is NORMAL or typically expected given the RELATIONSHIP between the two participants, or in the case of the child, that the child acted appropriately in terms of the relationship with the defendant, given the child's understanding and perception of the alleged incident and its aftermath. Items are coded when the juror makes reference to the trial participant's behavior in the context of believing the testimony presented. If the juror does not specifically mention belief but mentions the trial participant's behavior as appropriate you may infer the juror's belief.

"And also there was no sign previously she had been frightened of her father, and suddenly she was frightened of him. There would have to be a pretty good reason for that." (15 V)

Juror 1 : "I didn't like the fact that he said he first rolled her pyjamas up to her calves, then took them off... surely a normal father would just pull them down anyway." (25 D)

Juror 2 : "No, I don't think so, not at 12." (15 D)

Juror 3 : "No, not when your daughter's 12. I think you'd realise that it's not on." (15 D)

16 APPROPRIATE BEHAVIOR (OTHER) : juror makes statements about a trial participant reflecting that the behavior is seen as being within normal or expected bounds, or is otherwise socially conforming, or in the case of the child, that the child acted appropriately, given the child's understanding and perception of the alleged incident and its aftermath. If the juror mentions that THE LANGUAGE used by the child in describing the incident was APPROPRIATE without any specific mention of the child's age then it is coded here, rather than under Sec. 14.

If the statement can be coded under Sec. 14 (Age) or Sec. 15 (relationship), use either of these categories before using Sec. 16 (other). If the juror does not specifically mention belief of the trial participant, but discusses the behavior as appropriate, you may infer that the juror's belief was present. Also remember that the immediate context of the deliberation can help in determining issues of belief. This criterion also includes juror's statements indicating that the child's delay in disclosing is behavior that is within normal or expected bounds.

"And the kid mightn't tell Mum because he didn't want Mum to get upset". (16 V)

Juror 1 : "But the fear of 'don't say this or you'll get in really big strife with your mother' .. that's something that is really concrete to a child and they'll respond to that far more than they will to..." (16 V) (*the juror is saying that the delayed disclosure is appropriate given the child's fear*)

Juror 2 : "So it's not that surprising that she would follow that advice to the letter and try and stay normal." (16 V)

Juror 1 : "Giving him the chocolate bar was a bit sus. I thought. (26 D)

Juror 2 ; "Oh, I don't know .. what's a chocolate bar !" (16 D)

Juror 3 : "Yeah, if he was trying to win his secrecy, then he would have bought him a new bike or something like that. " (16 D)

"The sort of words which the child used to describe it sounded very much like his own words." (16 V)

- 17 SUFFICIENT EXPLANATION** : juror states that the content of the testimony was ADEQUATE to explain events and the statement can not be coded under a more specific section of juror belief. Juror must make reference to adequacy of explanation, although specific reasons for adequacy need not be given. The juror's use of the word "convincing" in relation to either the child's or the defendant's testimony is generally a good indicator that the statement should be coded under this section. If the juror is stating that there was sufficient evidence, consider secs. 71 or 81.

In the absence of a clear statement of belief, the juror's belief may be inferred by the coder if the juror is clearly discussing the sufficiency of the explanation. Also, remember that belief may be inferred by the immediate context of the deliberation when the juror speaks. If the juror simply states that the testimony is believed, refer to sec. 10.

"I simply think that the point where she could explain that he has her finger in her pussy was vivid enough and real enough to prove that a sexual assault occurred." (17 V)

Juror 1 : "The thing that convinced me was that she said when he stopped there was sticky stuff all over me." (17 V)

Juror 2 : "Yes." (17 V)

Juror 3 : "Yes, that was pretty convincing." (17 V)

18 NAIVETE : Innocent SIMPLICITY ; lack of artificiality. The juror makes reference specifically to the alleged victim, generally stating because of her age she would either NOT have been CAPABLE of FABRICATING such testimony or she would not have been capable of MAINTAINING fabrication for such a length of time. The juror may indicate that the child has accurately described details of sexual matters such as ejaculation, which the juror would not expect the child to know about. The distinction between 18 (Naivete) and 12 (No cognitive distortion) is that 18 (Naivete) focusses on the inability to create an untruth, while 12 (No cognitive distortion) focusses on the ability to tell the truth.

The distinction between 18 (Naivete) and 13 (No reason to lie) is that 18 (Naivete) focusses on inability to lie while 13 (No reason to lie) focusses on motivation to lie.

This category applies only to jurors' statements concerning the alleged victim.

"They're not going to have ideas like that in their head." (18)

"Having a child at the age of 6 though, they're not going to invent things like that on their own, they're not going to have the experience to know what would happen unless they actually had happened." (18)

Juror 1 : "What I found was she described him ejaculating and how would she know."
(18)

Juror 2 : "Unless the child actually knew, no child could describe ejaculation. No child would know about sticky stuff." (18)

19 Psy APPROPRIATE QUALITY OF INTERVIEW : Juror indicates approval of the manner in which the psychologist's interview with the child was conducted in that there was NO COERCION or INTIMIDATION , NO LEADING QUESTIONS, or the LANGUAGE was appropriate for the child's age. The child was given maximal opportunity to present his/her testimony within the interview.

"The interviewer spent some time establishing a rapport with him." (19 Psy)

"The way that she was interviewed was very calm, wasn't it... the sorts of questions, the way she led up to them..." (19 Psy)

19 X APPROPRIATE CROSS-EXAMINATION OF THE CHILD : Juror indicates approval of the manner in which the **cross examination** of the child was conducted in that there was NO COERCION or INTIMIDATION, NO LEADING QUESTIONS, or the LANGUAGE was appropriate for the child's age, or ANY OTHER COMMENTS WHICH INDICATE THE JUROR'S APPROVAL OF THE MANNER IN WHICH THE CROSS EXAMINATION WAS CONDUCTED.

"I think the way she cross-examined the child.. it was probing but it wasn't so the child would be upset or anything." (19 X)

Juror 1 : "She was really trying to feed the child into saying that Mum told him to say this story." (29 X)

Juror 2 : "But that's her job, isn't it !" (19 X)

20 DISBELIEF : testimony of the alleged victim or defendant is rejected as invalid or NOT CREDIBLE. The juror makes GENERAL STATEMENTS of disbelief but does not cite specific reasons for such disbelief. If specific reasons are given for disbelief, refer to sections 21-29 and code the statement there if possible. If the juror makes general comments on disbelief and associates them with insufficiency of evidence, refer to Secs. 72-73 and code there if possible. If the juror makes general statements based on inappropriate standards or inadmissible evidence, refer to Sec. 81-83 and code there if possible. Only if the statement does not meet the criteria in Secs. 21-29, Secs. 72-73 and Secs. 81-83 should it be coded in Sec. 20.

"I didn't believe the father's story of what happened." (20 D)

"I just couldn't go for her version of all this. " (20 V)

"He was his own worst witness. He shouldn't have spoken at all."
(20 D)

21 Demeanor .. Inappropriate : Outward behavior, conduct, deportment, body language ; appropriateness of affect or lack of expected affect. Juror cites any of the above as the basis for disbelieving testimony of a specific trial participant. If the juror indicates that the child's testimony seems "REHEARSED" this is generally a good indicator that the statement should be coded under this section, but distinguish carefully between "rehearsed" which infers that the child has been coached to accept suggestive influence (Sec. 21), and "rehearsed" as a necessary part of the child actor's portrayal of the role for the videotaping of the trial. Statements of the latter type are coded under Sec. 95 dealing with problems associated with experimental realism.

Looked evasive :

"He never really looked at you while talking." (21 D)

Seemed rehearsed :

"She seemed like she'd been coached pretty well on what to say. Who knows what she would have said on her own." (21 V)

"I just got the impression from the child that she had her information down too pat."
(21 V)

Lacked expected affect :

"If that happened to a girl, wouldn't she be upset !" (21 V)

Did not act serious :

"I didn't believe her. She seemed to enjoy being in the spotlight too much." (11 V).

22 COGNITIVE DISTORTION : misrepresentation or misunderstanding outside of the actor's awareness. Distortion is based on cognitive limitations or receptivity to external influences. The intentional distortion of truth is not coded here ... refer to Sec. 23 (Motivation to lie). Sec. 22 includes the notion of both internal and external distractors, such as an overactive imagination or thinking something seen on T.V. is actually a memory. These issues will apply to the child participant in the trial because of the developmental differences between adults and children. Also included here are juror statements which indicate that the child was vulnerable to suggestive influences which may have distorted recall.

This category applies only to jurors' statements concerning the alleged victim.

Cognitive Limitations :

"I think a kid that age could NOT REMEMBER exactly what happened. They don't really pay attention to things." (22)

Inability to distinguish between fact and fantasy :

"Those young kids have really active IMAGINATIONS." (22)

Vulnerable to suggestion :

"There's been so much on T.V. lately. Maybe she saw something or had HEARD ABOUT IT in school." (22)

23 MOTIVATION TO LIE : a reason to distort or misrepresent with specific INTENTION to deceive. The juror may specify any particular reason as long as it is clear that the juror believes there was conscious motivation to lie. If the juror simply states that the testimony presented was a lie, code it here even if the juror does not mention any possible motivation there may have been to lie. Be careful to ensure that the juror is emphasising the child as the one who actively intended to lie. If the juror seems to be indicating that the child was simply mouthing information fed to him/her by the mother, then refer to Sec. 96 M (Alternative hypotheses... influence of MOTHER)

"She could be doing this just to CAUSE TROUBLE for him." (23 V)

"This little girl, because her parents have separated, couldn't she be sort of attention seeking... making up stories to say this will get Mummy and Daddy back together again." (23 V)

"There could have been a motive. She had seen her father walk out of her home. Her father had actually wrecked her home basically." (23 V)

24 INAPPROPRIATE BEHAVIOR BASED ON AGE : the child displays behavior which is deemed by the juror to be outside the bounds of NORMAL or EXPECTED BEHAVIOR given the child's AGE. Although this section is grouped with sections which deal with disbelief of the child, the juror does not always state that disbelief is an issue. When a juror statement meets the criteria for inclusion in this section without making specific reference to disbelief, you may infer that disbelief is present. Also coded under this section are statements which indicate that the juror considers the child has used INAPPROPRIATE LANGUAGE FOR HIS/HER AGE in recounting the details of the alleged incident.

Statements often use key phrases such as "for a child" or may make specific reference to the age in years. Some SPECIFIC REFERENCE TO AGE IS NECESSARY in order to code a statement under this section. If the juror uses "the child" as simple identification but does not obviously intend that age is important, the statement should NOT be coded here. In such instances, if appropriate behavior is mentioned, refer to section 26 (Inappropriate behavior : Other).

Jurors may make statements alluding to the notion of blaming the victim. When referring to the alleged victim's testimony jurors may state that while they do not find her account totally unbelievable, they do hold her at least partially responsible for the events that transpired and that her behavior or attitude should not have been displayed by a child of that age. This generally (but not necessarily) refers to seductive behavior or sexual motivation on the part of the alleged victim. By convention, any juror statements which clearly attribute responsibility to the alleged victim because of her sexuality are to be coded in Sec. 24.

This category applies only to jurors' statements concerning the child.

"But at 12 years old perhaps she had some deviant thing in her mind...." (24)

"I feel girls are very sexual at that age, they have feelings, they do masturbate, many do, you may not." (24)

"There are a couple of bits of language that he used that are a bit inconsistent for me for a 9-year-old." (24)

25 INAPPROPRIATE BEHAVIOR BASED ON RELATIONSHIP : the behavior of one of the trial participants when interacting with another of the trial participants is deemed by the juror to be outside the bounds of what is NORMAL OR TYPICALLY EXPECTED GIVEN THE RELATIONSHIP between the two participants, or in the case of the child, that the child acted inappropriately in terms of the relationship with the defendant, given the child's understanding and perception of the alleged incident and its aftermath. Items are coded here when the trial participant's behavior has led the juror to find the participant's testimony not believable. The jurors do not always state that disbelief is an issue. When a juror's statement meets the criteria for inclusion in this section without making specific reference to disbelief, you may infer that disbelief is present.

Although statements often include the word "FATHER", it is not required in the specific juror statement. However, the context of the recent deliberation **MUST MAKE SOME REFERENCE** to the FAMILIAL RELATIONSHIP between the trial participants in order for a statement to be coded here. The context of the preceding statements often helps determine if relationship is being considered and which trial participant is being disbelieved.

"Did anyone happen to notice that when the initial questioning of the father was taking place there was almost a suggestion of transference from the wife to the child. The child could have become an object of sexual desire. He may not have made the conscious jump that it was inappropriate." (25 D)

Juror 1 : "She wouldn't have realised she would turn her Dad on by .. taking her .."
(25 V)

Juror 2 : "That's right , and she was curious and wanted a cuddle, and he hurt her."
(25 V)

"It seems a bit funny that her father actually took the pyjama bottoms off to massage her." (25 D)

26 INAPPROPRIATE BEHAVIOR (OTHER) : juror makes GENERAL reference to the trial participant's behavior at the time of the alleged event or to the child's behavior since the incident, such as the child's delayed disclosure, in an effort to justify disbelief of the participant's testimony, or in the case of the child, that the child acted inappropriately, given the child's understanding and perception of the alleged incident and its aftermath. The statement should be coded under Sec. 24 (Age) or Sec. 25 (Relationship) if it qualifies to be coded under one of those two categories. The juror does not always state that disbelief is an issue. When a juror's statement meets the criteria for inclusion in this section but does not make a specific reference to disbelief, you may infer the presence of disbelief. The jurors usually are discussing the defendant when this category is used.

If the juror mentions that THE LANGUAGE used by the child in describing the incident was INAPPROPRIATE without any specific mention of the child's age then it is coded here, rather than under Sec. 14.

Juror 1 : "It was actually a month before she mentioned it to her mother.. a whole month ! " (26 V)

Juror 2 : "Yes". (26 V)

Juror 3 : "I don't think that's unusual at all." (16 V)

Juror 1 : "Giving him the chocolate bar was a bit sus. I thought. (26 D)

Juror 2 ; "Oh, I don't know .. what's a chocolate bar !" (16 D)

Juror 3 : "Yeah, if he was trying to win his secrecy, then he would have bought him a new bike or something like that. " (16 D)

27 INSUFFICIENT EXPLANATION : juror states that the content of the testimony was INADEQUATE to explain events and the statement can not be coded under a more specific section of Juror Disbelief. The juror must make reference to inadequacy of explanation, although specific reasons for inadequacy need not be given. If the juror is stating that there was insufficient evidence, consider secs. 72 and 73.

In the absence of a clear statement of disbelief, the juror's disbelief may be inferred by the coder if the juror is clearly discussing the insufficiency of the explanation. Also remember that disbelief may be inferred by the immediate context of the deliberation when the juror speaks. If the juror simply states that the testimony is not believed, refer to Sec. 20.

"If he was innocent wouldn't you expect him to defend himself more actively ! He DIDN'T really SAY MUCH in his own defense." (27 D)

Juror 1 : "It seems strange to me that when her father was questioned he said that, when he finished massaging her legs vigorously, she was asleep." (27 D)

Juror 2 : "That's what I thought." (27 D)

Juror 1 : "That she was asleep, that he dressed her and took her back to bed and she didn't wake. I mean I thought that was a bit odd."
(27 D)

28 INTELLECTUAL CAPACITY TO LIE : the juror states that the trial participant possessed the intellectual capacity to fabricate the account given, was smart enough to incorporate the details of accounts heard elsewhere, or was capable of maintaining such a fabrication in spite of repeated questioning.

This category applies only to jurors' statements concerning the alleged victim.

Juror 1 "I don't think that someone that age would know about things like that."
(18)

Juror 2 "I have grandchildren. I can tell you how smart kids are."
(28)

Juror 3 "At age two they can tell you specifics. The attorneys are using that now, that kids are actors without even knowing it." (28)

Juror 1 : "I'm just saying that those of us who believe children, that they can tell the truth, tell a story and tell the facts." (12)

Juror 2 : "But then they can tell an invented story just as well." (28)

"I notice the mother said that she'd never known her son to lie (50 M). Well, that's a very naive statement, because all of my children have lied." (28, 97 P)

Experiment 3

Dependent variable : Harmfulness of the act

Source of Variation	df	SS	MS	F	p
Expert position	2	23.37	11.68	2.63	.076
Child age	1	2.19	2.19	0.49	.484
Sex of juror	1	19.06	19.06	4.30	.040
Expert position x child age	2	8.77	4.38	0.99	.374
Expert position x Sex juror	2	12.95	6.47	1.46	.236
Child age x sex juror	1	5.84	5.84	1.31	.253
Expert position x child age x sex juror	2	16.52	8.26	1.86	.159
Residual	108	478.64	4.43		

Dependent variable : Likelihood of child not misinterpreting the act

Source of Variation	df	SS	MS	F	p
Expert position	2	8.78	4.39	0.91	.407
Child age	1	2.87	2.87	0.59	.442
Sex of juror	1	52.60	52.60	10.86	.001
Expert position x child age	2	10.03	5.01	1.03	.358
Expert position x Sex juror	2	11.04	5.52	1.14	.323
Child age x sex juror	1	8.54	8.54	1.76	.186
Expert position x child age x sex juror	2	4.49	2.24	0.46	.629
Residual	108	522.97	4.84		

Dependent variable : Overall credibility

Source of Variation	df	SS	MS	F	p
Expert position	2	14.27	7.13	2.42	.093
Child age	1	3.38	3.38	1.15	.285
Sex of juror	1	23.73	23.73	8.06	.005
Expert position x child age	2	3.42	1.71	0.58	.561
Expert position x Sex juror	2	6.42	3.21	1.09	.339
Child age x sex juror	1	1.78	1.78	0.61	.438
Expert position x child age x sex juror	2	2.32	1.16	0.39	.674
Residual	108	317.77	2.94		

Secs. 30 - 60 DISCUSSION OF EVIDENCE

Sections in this grouping are used for discussion of testimony. Sections 30 and 40 focus on what the alleged victim and defendant respectively, actually said, while section 50 is tri-partite, and focusses on what was said by the mother, the medical doctor and the psychologist. Juror statements which focus on conclusions or inferences are more commonly coded under Sec. 92. Note that although most juror questions for information belong under Sec. 92, questions regarding the content of trial testimony are coded under Secs. 30, 40 and 50.

Section 31 deals with discussion of any inconsistencies which jurors have noted between the testimony of the child and the testimony of the defendant.

Sections 51 and 52 are categories which deal with statements concerning the jurors' perceptions as to whether the child's case has been enhanced or not enhanced by the testimony of the mother, doctor and psychologist.

Section 53 pertains to either missing or insufficient quantity of corroboration of the alleged victim's testimony or corroboration of her general character or background.

Section 54 is used when specific reference is made or questions are asked about the defendant's criminal or sexual history.

Section 55 is used for references to the familial relationships between the defendant, the alleged victim and the mother.

Sec. 60 is used for any juror statements which are factually incorrect. These erroneous juror statements need not pertain to testimony, but may be in regard to any facet of the trial or deliberation

30 VICTIM'S TESTIMONY DISCUSSED : juror makes direct reference to statements made by the alleged victim during the trial. EMPHASIS is on the factual aspects or content of TESTIMONY. Juror statements need not be direct quotes or paraphrase of the testimony to be coded here, as long as there is clear reference to the alleged victim's testimony. Also, questions to other jurors intended to clarify the content of testimony should be coded here rather than under section 92. The key theme in this section is "that's what was said". Statements coded under Sec. 30 may also be of the form "She didn't say ". Also code here any questions such as " Did she say ?"

Some pieces of evidence are mentioned by more than one trial participant. if the juror does not clearly associate the testimony with the alleged victim, refer to sec. 92 unless the trial transcript shows that the alleged victim was, in fact, the only person to present the testimony which the juror was discussing.

General reviews of the theme of the tesimony may be coded as sec. 30 unless they are so general and summative that they meet the criteria for sec. 71-83, in which case the statement should be coded there. If the juror is discussing private opinions, conclusions or the limits of inferences which can be drawn from the testimony more than discussing the actual testimony, refer to sec. 92.

"She said he was hurting her" (30)

"Well, she said there hadn't been anyone else there." (30)

"Did she say that she fell asleep while her father was massaging her legs ?" (30)

**31 DISCUSSION OF INCONSISTENCIES BETWEEN CHILD'S AND
DEFENDANT'S TESTIMONIES :** juror makes explicit reference to some
inconsistency which has been noted between the testimonies of the child and
that of the father. Where the juror also makes direct reference to both what
the child said and what the father said, additional coding under secs. 30 and 40
may be required. Any attempt by another juror to resolve the inconsistency
should also be coded under Sec. 31.

Juror 1 : "The only discrepancies in the evidence was that she said he was watching
T.V. and he said he was at his desk." (31, 30, 40)

Juror 2 : "Yes, I noted that" (31)

Juror 3 : "But he could have been doing his paperwork while he was watching T.V."
(31).

"Yes and also with the cushions too, he told her to go and sit on the cushions in the
lounge room (40), whereas she said Dady put the cushions there and told me to
lay on them" (30, 31).

40 DEFENDANT'S TESTIMONY DISCUSSED : juror makes direct reference to statements made by the defendant during the trial. Emphasis is on the factual aspects or content of testimony. Juror statements need not be direct quotes of the testimony to be coded here, as long as there is clear reference to the defendant's testimony. Also questions to other jurors intended to clarify the content of testimony should be coded in Sec. 40 rather than under Sec. 92. The key theme in this section is "that's what was said". Statements coded under Sec. 30 may also be of the form "He didn't say ". Also code here any questions such as " Did he say ?"

Some pieces of evidence are mentioned by more than one trial participant. If the juror does not clearly associate the testimony with the defendant, refer to sec. 92 unless the trial transcript shows that the defendant was, in fact, the only person to present the testimony which the juror was discussing.

If the juror is discussing private opinions, conclusions, or the limits of inferences which can be drawn from the testimony, refer to Sec. 92. General reviews of the theme of the testimony may be coded as Sec. 40 unless they are so general and summative that they meet the criteria for Secs. 71-83, in which case the statement should be coded there.

"The man said that the boy fell asleep when he was rubbing his legs" (40).

"And he went on about how much he wanted to increase his relationship with his daughter" (40)

"He said that she was having an affair, so he believed, while he had been away some weekends." (40)

50 M MOTHER'S TESTIMONY DISCUSSED : juror makes direct reference to statements made by the mother during the trial. EMPHASIS is on the factual aspects or content of testimony. Juror statements need not be direct quotes of the testimony to be coded here, as long as there is clear reference to the mother's testimony. Also questions to other jurors intended to clarify the content of testimony should be coded here rather than under Sec. 92. The key theme in this section is "that's what was said". Statements coded under Sec. 50 M may also be of the form "She didn't say ". Also code here any questions such as " Did she say ?"

Some pieces of evidence are mentioned by more than one trial participant. If the juror does not clearly associate the testimony with the mother, refer to sec. 92 unless the trial transcript shows that the mother was, in fact, the only person to present the testimony which the juror was discussing.

If the juror is discussing private opinions, conclusions, or the limits of inferences which can be drawn from the testimony, refer to Sec. 92. An exception to this referral rule is when the juror is discussing whether the mother's testimony has value in deciding the defendant's guilt or innocence. If the mother's testimony is discussed as having positive value refer to Sec. 51 M : if the mother's testimony is felt to have no value or negative value, refer to Sec. 52 M.

General reviews of the theme of the testimony may be coded as Sec. 50 M unless they are so general and summative that they meet the criteria for Secs. 71-83, in which case the statement should be coded there.

"She said he was a very quiet kid." (50 M)

"You know the wife said he just left and it was terrible. She said nothing about the approach to go to a marriage counsellor." (50 M)

50 Dr MEDICAL DOCTOR'S TESTIMONY DISCUSSED : juror makes direct reference to statements made by the doctor during the trial. EMPHASIS is on the factual aspects or content of testimony. Juror statements need not be direct quotes of the testimony to be coded here, as long as there is clear reference to the doctor's testimony. Also questions to other jurors intended to clarify the content of testimony should be coded here rather than under Sec. 92. The key theme in this section is "that's what was said". Statements coded under Sec. 50 Dr may also be of the form "He didn't say ". Also code here any questions such as " Did he say ?"

Some pieces of evidence are mentioned by more than one trial participant. If the juror does not clearly associate the testimony with the doctor, refer to sec. 92 unless the trial transcript shows that the doctor was, in fact, the only person to present the testimony which the juror was discussing.

If the juror is discussing private opinions, conclusions, or the limits of inferences which can be drawn from the testimony, refer to Sec. 92. An exception to this referral rule is when the juror is discussing whether the doctor's testimony has value in deciding the defendant's guilt or innocence. If the doctor's testimony is discussed as having positive value refer to Sec. 51 Dr : if the doctor's testimony is felt to have no value or negative value, refer to Sec. 52 Dr.

General reviews of the theme of the testimony may be coded as Sec. 50 Dr unless they are so general and summative that they meet the criteria for Secs. 71-83, in which case the statement should be coded there.

"The doctor said there were other ways the hymen could have been broken." (50 Dr)

Juror 1 : "He said there was abrasion in the anal area that could have been caused by constipation." (50 Dr)

Juror 2 : "But he did say in the first instance that it could have been caused by intercourse." (50 Dr)

Juror 3 : "Yes, but when he was further questionned he said it could have had other causes as well." (50 Dr)

50 Ps PSYCHOLOGIST'S TESTIMONY DISCUSSED : juror makes direct reference to statements made by the psychologist during the trial. EMPHASIS is on the content of testimony. Juror statements need not be direct quotes of the testimony to be coded here, as long as there is clear reference to the psychologist's testimony. Also questions to other jurors intended to clarify the content of testimony should be coded here rather than under Sec. 92. The key theme in this section is "that's what was said". Statements coded under Sec. 50 Psy may also be of the form "He/she didn't say ". Also code here any questions such as " Did he/she say ?"

Some pieces of evidence are mentioned by more than one trial participant. If the juror does not clearly associate the testimony with the psychologist, refer to sec. 92 unless the trial transcript shows that the psychologist was, in fact, the only person to present the testimony which the juror was discussing.

If the juror is discussing private opinions, conclusions, or the limits of inferences which can be drawn from the testimony, refer to Sec. 92. An exception to this referral rule is when the juror is discussing whether the psychologist's testimony has value in deciding the defendant's guilt or innocence. If the psychologist's testimony is discussed as having positive value refer to Sec. 51 Ps : if the doctor's testimony is felt to have no value or negative value, refer to Sec. 52 Ps.

General reviews of the theme of the testimony may be coded as Sec. 50 Psy unless they are so general and summative that they meet the criteria for Secs. 71-83, in which case the statement should be coded there.

"One thing the psychologist did say about fantasy was that fantasy in children that young is based on experience not on their creativity." (50 Ps)

"I was interested to hear the psychologist talk about children often not telling straight away after they've been abused." (50 Ps)

51 M MOTHER'S TESTIMONY ENHANCES CASE : mother provides TESTIMONY which strengthens or SUPPORTS the alleged victim's CLAIM, or casts doubt on the defendant's claim. The emphasis in Sec. 51 is on the mother's statements and whether they had value in evaluating the charges made. If the juror indicates that he/she perceived the mother as having no reason to manipulate or use the child since there was no apparent acrimony between the parents, then such statements are coded under this section.

"I didn't get the impression the mother was in any way vindictive or that she'd fabricated anything. She seemed to be just concerned for the child's welfare."
(51 M)

Juror 1 : "I don't think she came across as a vicious, unhappy mother." (51 M)

Juror 2 : "No, there wasn't any real bitterness." (51 M)

52 M MOTHER'S TESTIMONY DOES NOT ENHANCE CASE : refers to actual TESTIMONY and reasons why it was not felt to enhance the case for the alleged victim. The juror may state that the mother's testimony was not effective in supporting or enhancing the child's case, or may put forward the stronger view that the mother's testimony was detrimental in some way to the child's case.

"That was another thing that made me believe the father. In the month between, the mother thought there was nothing wrong with the kid. She saw no change." (52 M)

"The mother's evidence .. I didn't think there was any substance in that. I don't think anything came from that." (52 M)

51 Dr MEDICAL DOCTOR'S TESTIMONY ENHANCES CASE : doctor provides TESTIMONY which strengthens or SUPPORTS the alleged victim's CLAIM, or casts doubt on the defendant's claim. The emphasis in Sec. 51 Dr is on the doctor's statements and whether they had value in evaluating the charges made.

Juror 1 : "I didn't feel that the doctor's evidence was that valuable to me." (52 Dr)

Juror 2 : "Well, it supported the fact that there was some physical evidence... supported the fact that it wasn't all made up." (51 Dr)

Juror 3 : "That's true." (51 Dr)

Juror 4 : "Certainly if the hymen had still been intact there would've been no question of abuse." (51 Dr)

52 Dr MEDICAL DOCTOR'S TESTIMONY DOES NOT ENHANCE CASE : refers to actual TESTIMONY and reasons why it was not felt to enhance the case for the alleged victim. The juror may state that the doctor's testimony was not effective in supporting or enhancing the child's case, or may put forward the stronger view that the doctor's testimony was detrimental in some way to the child's case.

"I think that this was inconclusive evidence. All he said was that the hymen was broken and when he was asked, after a month, it could have occurred for many reasons. " (52 Dr)

Juror 1 : "The doctor wasn't worth a shred, really." (52 Dr)

Juror 2 : "Yes, exactly." (52 Dr)

Juror 3 : "He couldn't prove that sexual intercourse had taken place. All that he could say was that the rectum, or the anus, had abrasions." (52 Dr)

51 Ps PSYCHOLOGIST'S TESTIMONY ENHANCES CASE : psychologist provides TESTIMONY which strengthens or SUPPORTS the alleged victim's CLAIM, or casts doubt on the defendant's claim. The emphasis in Sec. 51 Ps is on the psychologist's's statements and whether they had value in evaluating the charges made.

"The expert witness was fairly damning for the father really because on most of the cases he seemed to say that the delay was fine" (51 Ps)

Juror 1 : "The expert witness said this is how credible a child's evidence can be but that he hadn't talked to this child so he didn't know what her state of mind was."
(50 Ps)

Juror 2 : "But what he said did back up her evidence anyway."
(51 Ps)

"He said that kids are better than people think as witnesses, and that really was what his testimony was about, and without him, well, I wouldn't have been quite as convinced as I am." (51 Ps)

52 Ps PSYCHOLOGIST'S TESTIMONY DOES NOT ENHANCE CASE : refers to actual TESTIMONY and reasons why it was NOT felt to enhance the case for the alleged victim. The juror may state that the psychologist's testimony was not effective in supporting or enhancing the child's case, or may put forward the stronger view that the psychologist's testimony was detrimental in some way to the child's case.

"He was saying that they can distinguish fact from fantasy from about 7 or 8.. that wasn't so favourable, since this kid's six." (52 Ps)

**53 ALLEGED VICTIM CORROBORATION MISSING / REASONABLE
CORROBORATION NOT PRESENT :** reference is made to the fact that
certain CORROBORATION which might have been useful to support the alleged
victim's claim was NOT ACTUALLY PRESENTED. Specific testimony is
identified to support the alleged victim's case. If no specific testimony is
identified and the juror merely states that they think more people should have
testified, refer to Sec. 72-73 (Insufficient evidence) or Sec. 95
(Experimental realism).

"We needed the school-teacher to say how she found the child" (53)

"I think they should have brought a child psychologist into it." (53)

Juror 1 : "They didn't say anything about the kid's history, social background."
(53)

Juror 2 : "Or the father, if he had any background with something like that." (54)

54 DEFENDANT BACKGROUND / HISTORY MISSING : reference is made to the defendant's SEXUAL HISTORY or CRIMINAL HISTORY. If the issue is one concerning the defendant's relationship with the alleged victim or the mother, refer to Sec 55.

Juror 1 : "They didn't say anything about the kid's history, social background."
(53)

Juror 2 : "Or the father, if he had any background with something like that." (54)

"I think if I knew he had a background of some sexual charges and you know, if he came back again, I might think differently. " (54)

55 FAMILY BACKGROUND / HISTORY : the juror makes reference to the relationship between the mother and father, the mother and the child, or the father and the child, or makes reference to the perception any of the above three persons has of the relationship between the other two persons. Also statements in which the juror is attempting to draw inferences about those relationships are coded as Sec. 55, rather than under Sec. 92.

"The father seems more open minded about the marriage problems than the wife. The wife seems a little more embittered about what's happened." (55)

"It wasn't clear if there was a conflict between the mother and the father." (55)

"But how can two people live together when they don't really like each other when they are totally falling apart and she has another fella ?" (55)

60 INACCURATE JUROR STATEMENTS : juror makes a statement which is clearly erroneous. The juror is generally discussing the facts of the case, the testimony presented or the judge's instructions. Jurors also occasionally make errors when discussing relevant material from outside the trial stimulus, such as prevailing social norms or the legal consequences of criminal acts. ALL statements coded under Sec. 60 MUST be coded for an additional specific content code (must dual code).

If one juror makes an erroneous statement, and another juror makes a correction, the correction is coded under Sec. 92 (Task focus). Section 60 should be used conservatively ; if the coder has any doubt whether this is the correct section, then another section should be used.

Juror 1 : "I don't understand the gap when she said she was seeing her father every week-end." (60, 30)

Juror 2 : "No, it was every fortnight... every second week-end she stayed with her father." (92)

JUROR CONCLUSIONS & CONCERNS

There are nine sections which deal with general conclusions which the jurors draw or concerns which they express. Three sections, 71, 72, and 73, pertain to appropriate juror conclusions, while two sections, 81, 82 and 83, deal with inappropriate conclusions.

Sections 84 and 85 deal with inappropriate statements which focus specifically on **concern** for the **child** or for the **defendant** regarding the consequences of verdicts or the incident or the exposure to trial procedures, and how these concerns relate to the juror's verdict in the case.

Section 86 deals with statements that specifically mention **reasonable doubt**, and the relationship of such doubt to verdicts.

Each of these sections is used only when the juror is clearly arguing for a verdict; when summary citation of evidence and inferences is made; or when conclusions are presented. The purpose of these summary categories is to prevent excessive multiple coding which could result from the jurors' discussion of disparate issues all of which support a verdict. The coder is reminded that a verdict need not be specifically mentioned, but may be inferred from the context of the deliberation.

**71 APPROPRIATE JUROR STATEMENTS : SUFFICIENT EVIDENCE
ALLOWS CONVICTION** : discussion of testimony and evidence which was actually presented during the trial . The emphasis is on general conclusions. Remember to focus on the issue of juror conclusions. If several facts of evidence are cited without the clear theme of a summary conclusion, consider multiple coding. In Sec. 71, the juror's conclusion is that the evidence is sufficient to result in a clear verdict of conviction. Either the juror must clearly mention a verdict or the surrounding context of the deliberation must clearly focus on verdicts. If the juror statement is for simple belief or disbelief of a trial participant, consider Secs 10 or 20.

"There was more evidence for than there was against, so I think he's guilty." (71)

"Well I'd happily say he was guilty because I go mainly on the child's evidence. I mean the father didn't offer any other evidence at all that could convince me." (71)

**72 APPROPRIATE JUROR STATEMENTS : INSUFFICIENT EVIDENCE
RESULTS IN ACQUITTAL** : discussion of testimony and evidence which was actually presented during the trial. The emphasis is on general conclusions. Remember to focus on the issue of juror conclusions. If several facts of evidence are cited without the clear theme of a summary conclusion, consider multiple coding. In Sec. 72, the juror's conclusion is that the evidence is not sufficient to result in a clear verdict of conviction. Either the juror must clearly mention a verdict or the surrounding context of the deliberation must clearly focus on verdicts.

In Sec. 72 the juror felt unable to draw a clear conclusion from evidence presented, and there fore reasonable doubt exists. Juror statements that the testimony provided was inconclusive may be coded here if the juror clearly is linking the inconclusiveness of the testimony with the acquittal verdict or with acquittal because the jury is unable to reach a verdict.

If a statement is merely made that the testimony was inconclusive or that there was insufficient evidence and therefore it was difficult to reach a verdict, then refer to Sec. 73.

"Well, I think there's not enough evidence to say he's guilty." (72)

"Yes, it's hard to say he's guilty on the evidence." (72)

"All I've got is the victim's word that a crime took place ... that's the problem I have. I've got no evidence of the crime .. it's not enough to say he's guilty." (72)

73 APPROPRIATE JUROR STATEMENTS : INSUFFICIENT EVIDENCE BUT NO VERDICT GIVEN : discussion of testimony and evidence which was actually presented during the trial. The emphasis is on general conclusions. Remember to focus on the issue of juror conclusions. If several facts of evidence are cited without the clear theme of a summary conclusion, consider multiple coding. In Sec. 73, the juror's conclusion is that the evidence is not sufficient, yet there is no clear reference to a verdict.

If a verdict is referenced, see Sec. 72 and code the statement there if possible. If the juror makes specific reference to the insufficiency of PARTICULAR testimony, refer to Secs. 27, 53-55.

"I was waiting for more evidence so that I could make some decision." (73)

"But there just wasn't enough there. Say there's a slim possibility the father was innocent, then it completely destroys... You need more." (73)

"They (*the lawyers*) didn't pick up about whether the mother had another boyfriend or not (98, 55). They didn't pick up on that and I just think there's a lot more missing information." (73)

Juror 1 : "He thought she was seeing someone else (40), but as you were saying earlier there's a lot of stuff that wasn't seen." (73)

Juror 2 : "There were certainly a lot of questions that weren't asked." (73)

81 INAPPROPRIATE JUROR STATEMENTS : CONVICTION : issues which are technically IRRELEVANT or which were specifically EXCLUDED by the judge are discussed by the jurors in reaching a verdict. Either the juror must clearly mention a verdict or the surrounding context of the deliberation must clearly focus on verdicts.

In section 81 issues are raised in support of conviction which are CLEARLY IRRELEVANT. If the juror's statement contains a mild technical error but is primarily focussed on relevant issues, refer to whichever section is appropriate for the content of the statement and attempt to code the statement there along with Sec. 60.

Charges imply guilt

"Why would he be up on these charges unless he did it !" (81)

"I know this kind of thing happens with kids and I know it's a shame. People aren't charged with this kind of thing for no reason." (81)

"You'll never put a stop to this unless you start convicting people." (81)

"I was thinking for anybody to even get accused of sexual abuse they must be a shady character anyway and I thought they must be guilty just to be accused of it." (81)

Inappropriate burden of guilt

"He didn't prove himself innocent and it was his word against hers." (81)

Disregard of the evidence

"I wasn't sure but I voted guilty because of emotion" (81)

"My reaction from the beginning was that he's guilty, but when I stop to look at the facts there's nowhere near enough. The defense didn't do enough to keep him from being guilty." (81)

82 INAPPROPRIATE JUROR STATEMENTS : ACQUITTAL : issues which are technically IRRELEVANT or which were specifically EXCLUDED by the judge are discussed by the jurors in reaching a verdict. Issues are raised in support of an acquittal, for example, that the crime lacked seriousness. Either the juror must clearly mention a verdict or the surrounding context of the deliberation must clearly focus on verdicts.

In section 82 issues are raised in support of acquittal which are CLEARLY IRRELEVANT. If the juror's statement contains a mild technical error but is primarily focussed on relevant issues, refer to whichever section is appropriate for the content of the statement and attempt to code the statement there along with Sec. 60.

If the juror expresses general concerns about the consequences of conviction for the defendant without mentioning a verdict then refer to Sec. 85 (Concern about consequences for the defendant)

"Even if it did happen, I don't think the damage done in a crime like this is all that bad." (82)

"So how could you possibly find him guilty if after one month she showed no signs of anxiety." (82)

"I've read a few books about body language (97 P), and when he said 'I didn't do it... believe me', and opened his palms, I thought 'not guilty'. There was just something about the way he did that." (82)

83 INAPPROPRIATE JUROR STATEMENTS : NO VERDICT : the juror considers issues which should not be considered such as irrelevant facts or decision criteria or issues which were excluded by the judge, or the juror is breaking the rules set forth in the instructions. The juror is actively attempting to deliberate and is making statements relevant to the deliberation, but is basing the statements on irrelevant issues or criteria.

In section 83, issues are raised in support of acquittal which are **CLEARLY IRRELEVANT**. If the juror's statement contains a mild technical error but is primarily focussed on relevant issues, refer to whichever section is appropriate for the content of the statement and attempt to code the statement there along with Sec. 60.

If the juror raises concerns about the consequences of the verdict or the incident for the child refer to the more specific category, Sec. 84. If the juror discusses the likely impact of the verdict or trial exposure on the father then refer to the more specific category Sec. 85.

- Juror 1* : "It would be pretty scary if it was really up to you to put someone away."
(95)
- Juror 2* : "If you really believed he was guilty without doubt, you wouldn't mind so much." (91)
- Juror 3* : "But even then it is a first offence." (83)
- Juror 4* : "Yes, but even then it's not excusable just because it's your first offence."
(91)
- Juror 5* : "You don't want him to do it again." (83)
- Juror 4* : "You never know it might happen to you." (83)

84 CONCERN ABOUT THE CONSEQUENCES OF THE VERDICT OR THE INCIDENT FOR THE CHILD : the juror considers issues which should not be considered such as sympathies for the alleged victim. In section 84, issues are raised which are **CLEARLY IRRELEVANT** but no verdict is evident. If the juror specifically advances concern about the consequences for the child as a reason for their own verdict decision then refer to Secs. 81 and 82 on inappropriate juror statements, and code there.

"The trauma comes later because children don't understand." (84)

"Someone is going to be hurt no matter what the outcome. Either the guy is going to jail for something he didn't do (85), or the girl is going to spend her life knowing that he wasn't convicted." (84)

85 CONCERN ABOUT THE CONSEQUENCES OF THE VERDICT OR THE TRIAL EXPOSURE FOR THE DEFENDANT : the juror considers issues which should not be considered such as sympathies for the defendant. In section 85, issues are raised which are **CLEARLY IRRELEVANT** but no verdict is evident. If the juror specifically advances concern about the consequences for the defendant as a reason for their own verdict decision then refer to Secs. 81 and 82 on inappropriate juror statements, and code there.

Juror 1 : "By the same token you'd also imagine having it on your conscience that you'd wrongly convicted a person of such a crime." (85)

Juror 2 : "Especially a father" (85)

"And once it's out, thats that. He won't have a job." (85)

86 **REFERENCE TO REASONABLE DOUBT AND ITS RELATION TO VERDICTS** : jurors specifically link reasonable doubt or lack of reasonable doubt with a particular verdict, or express an opinion on whether there is or is not reasonable doubt. Statements are coded in this category only when **"reasonable doubt"** is specifically mentioned.

"But you actually can't say he's guilty because it has to be beyond reasonable doubt, and we are saying there is a doubt here." (86)

"It hasn't been proven beyond reasonable doubt." (86)

Juror 1 : "I have no doubt that something happened to her, but I couldn't convict him on that." (72)

Juror 2 : "Because it must be after all, beyond reasonable doubt." (86)

PROCESS ISSUES

There are seven sections under this heading. The common focus is that these categories deal with juror statements that reflect **more emphasis on the deliberation process** than on the specific statements made during the trial proceedings.

Section 90 is used for simple statements of verdict, or questions to other jurors regarding their verdicts. Section 91 deals with statements which reflect a focus on the rules which provide the structure of the deliberation and the roles of the jurors. Section 92 is used when the jurors are clearly dealing with the task of deliberating, but no specific content category is appropriate. Section 94 pertains to juror statements which indicate a resistance to participation in the deliberation process.

Section 95 deals with juror comments on issues of experimental realism. Section 96 deals with statements by jurors in which the hypothesis is advanced that there is an alternative explanation for the alleged incident as described by the child. Section 96M is specifically for juror's alternative hypotheses which implicate the mother as the fabricating or elaborating agent.

90 VERDICT STATEMENTS OR QUESTIONS, UNELABORATED : the juror makes a simple statement of verdict preference or asks another juror questions regarding verdict preference. If the juror gives reasons for the verdict preference, the statements should be coded under the specific category appropriate for the content. Attempts to persuade another juror to share the verdict preference should be coded under Sec. 92.

The juror may also make general comments or inquiries regarding the polling of other jurors for their verdicts. At times it may be difficult to determine whether these statements fit better under Sec. 90 or Sec. 91 (rule and role focus) or Sec. 92 (task focus). If a statement appears to fit under Sec. 90 and also under either Sec. 91 or 92, then Sec. 90 should be chosen as the appropriate code.

Examples of the different statements are :

- "I vote ... " (sec. 90) ;
- "Who votes guilty ?" (sec. 90) ;
- "Would you vote guilty ?" (sec. 90)

- "Should we vote ?" (sec 91) ;
- "Are we expected to agree about the verdict ?" (sec. 91)

- "How certain is your verdict." (sec. 92) ;
- "What was your verdict based on ?" (sec. 92)
- "Why do you feel so strongly that he's guilty ?" (sec. 92)

91 RULE AND ROLE FOCUS : explicit reference to the rules and roles of deliberation. Statements are intended to CLARIFY the ROLE as juror, the PURPOSE of the deliberation, or the judge's instructions. Reference may be made to the authoritative structure within which the jury must operate, what jurors should do, what the judge told them to do, or other examination of the rules assigned. The authoritative structure may include the laws which have established that the conduct which is on trial is illegal. For example, it was pointed out that consent was not an issue because of the child's age.

One area of special interest is the jurors' attribution of sexual motivation to the alleged victim. If the emphasis of the statement is on her responsibility then refer to sec. 24 V. However, the jurors may discuss the notion that the alleged victim may have been interested in sexual experimentation but that it wouldn't matter because the defendant's behavior would still be technically against the law. In such cases the emphasis is on the rules by which the defendant's crime is to be weighed and should be accordingly coded as Sec. 91.

The presence of the words "should" ,"ought" or "must" in the jurors' statements will alert the coder to consider Sec. 91. Statements in section 91 indicate that the juror has stepped back from the facts of the case and is examining the rules by which to deliberate. Efforts by the juror to actually deliberate are coded under section 92.

Juror 1 : "Do we need a unanimous verdict ?" (91)
Juror 2 : "Well, in a criminal case like this it has to be a unanimous verdict." (91).

Juror 1 : "Consenting or not, she's 12 and it's illegal at that age." (91)
Juror 2 : "Maybe she provoked him, led him on." (14)
Juror 3 : "That's not pertinent. Whether he was led on or not, it's still a crime."
(9 1)

Juror 1 : "But is it a juror's task to come up with" (91)
Juror 2 : "They are innocent until proven guilty (91) and there's not quite enough to prove him guilty." (72)
Juror 3 : "It has to be beyond a doubt, so if there's any doubt you can't be guilty."
(9 1)

92 TASK FOCUS : this includes statements which indicate that the juror is working within the rules given to the jury for their task. There are several different types of statements which may fit under this section. To some extent all juror statements except those coded as Sec. 94 or Sec. 99 are task focussed and relevant. Sec. 92 is to be used when the jurors are clearly making a good faith effort to deliberate but there is insufficient content to classify the statement elsewhere. In general, statements should be classified under any of the specific categories rather than under Sec. 92 whenever possible. Note however that there are some statements which clearly belong in Sec. 92.

A specific issue which commonly is raised during the deliberations is an attempt to define reasonable doubt. For these statements refer to Sec. 86.

If the juror is discussing some specific reason for belief or disbelief, but it is unclear whether it is belief or disbelief that is being alluded to, then code the statement as Sec. 92

General but meaningful statements may be coded as Sec. 92. If the statement is not relevant, try Sec.94 (Refusal to deliberate) or Sec. 99. If the juror is making a summary argument the statement may fit under Secs. 71-82., or under Sec.92. Use sections 71-82 , if appropriate.

Sec. 92 includes ATTEMPTS TO PERSUADE another juror from their opinion as well as requests made to another juror for INFORMATION or CLARIFICATION of that juror's opinion. On the other hand, simple statements or queries regarding verdict may be better coded under Sec. 90.

It is not always clear what the juror is saying. In order to differentiate between coding categories it is necessary to examine both the intent and the content of the jurors' statements. Simple questions asking for information or clarification may be coded in Sec. 92. However, if the question seeks to clarify testimony which was presented, refer to the sections dealing with discussion of testimony (especially 30, 40 and 50) and code the statement there first if possible. If the juror attempts to clarify the extent to which inferences may be drawn from the evidence, or makes statements intended to limit the inferences drawn by others or set the boundaries of the deliberation, code the statement as Sec. 92.

Also, if direct reference is made to testimony but it is unclear which trial participant was responsible for the testimony, the statement should be coded under Sec. 92. If the juror discusses the insufficiency of the evidence, refer to Sec. 73 and code the statement there if possible.

Section 93 (acceptance of experimental realism : task re-focus) has priority over section 92. If the statement preceding the current statement was coded Sec. 95 (Experimental realism), then refer to Sec. 93 and code the statement there if appropriate.

"It might be a good idea to find out how the group feels." (92)

"How certain were you of his guilt." (92)

"What do you need to hear to change your verdict ?" (92)

Juror 1 : "We all agree he's guilty." (90)

Juror 2 : "No hung jury here !" (90)

Juror 3 : "But we still ought to give it some discussion." (92)

Juror 1 : "I suppose if Dad didn't actually hurt him in the process he mightn't have said anything to Mum. " (92)

Juror 2 : " Exactly !" (92)

"Another thing, when you are accused of things and you actually aren't guilty, you can make yourself look very defensive." (92)

Juror 1 : "I think definitely something happened". (92)

Juror 2 : " But was it intercourse or not ?" (92)

Juror 1 : "But cos it only happened once." (92)

Juror 3 : "It doesn't look like it was premeditated." (92)

94 REFUSAL TO DELIBERATE : jurors actively engage in behavior or make comments which are **TOTALLY IRRELEVANT** to deliberation. This category includes only instances which are unequivocal examples of refusal to deliberate. For example, if a juror is citing an irrelevant anecdote but appears to be actively seeking to use it to persuade another juror, this would **NOT** be coded as refusal to deliberate.

Juror 1 : "What's your major ?" (94)

Juror 2 : "Engineering. What's yours ?" (94)

"I only did this 'cause I had to put in some time as a subject for my Psych course."
(94)

"Has anyone here ever been called up for jury duty ?"

95 **EXPERIMENTAL REALISM** : issues which arise as PROBLEMS or DISTRACTIONS for the jurors. These may have to do with the medium of the stimulus, the experimental design, the technical aspects of the audio or video quality, or paradigmatic issues (ways in which the trial did not seem plausible or real). Also included are statements regarding the experimental use of questionnaires if reference is made to something in the questionnaire which distracted the juror from the assigned role.

If all of a given statement can be coded under this category then it is appropriate to do so. However, juror statements often refer to both experimental realism and some specific aspect of the trial which is subsumed under another code. If it is clear that some additional content theme is also raised then both categories should be coded.

"Everyone seemed rehearsed. I assume these were actors." (95)

"I could't hear the little girl very well. " (95)

Juror 1 : "It's a lot easier when you know it isn't real. It's a hard thing to do. This is a lot easier cause you know it's not ..." (95)

Juror 2 : "You're too far removed from it." (95)

Juror 3 : "Yeah, and it's not true." (95)

Juror 1 : "I hope we're not being taped." (95)

Juror 2 : " Of course we are. There's a microphone." (95)

96 ALTERNATIVE HYPOTHESES ABOUT THE INCIDENT : juror may propose a different hypothesis as an interpretation of the alleged incident of abuse. For example, a juror may advance the notion that the incident occurred much as the child described it but that the perpetrator was someone else such as a male friend of the mother's, or the juror may suggest that the defendant's hand did make contact with the child's genitals but that it was not intentional, merely a slip as he massaged the child's legs.

"She's about 12 years old, isn't she ! What's to say the sticky mess wasn't just vaginal discharge on her behalf." (96)

Juror 1 : "Maybe he just accidentally touched her." (96)

Juror 2 : "I don't think so !" (92)

Juror 1 : "I mean if he was rubbing her legs ... " (96)

96M ALTERNATIVE HYPOTHESES INVOLVING THE MOTHER AS FABRICATING OR EMBELLISHING AGENT : juror indicates that the mother has fed information to the child after fabricating the details. Alternatively, juror may suggest that "something" happened which was of a relatively minor nature and the mother has embellished the details . Distinguish between this section and Sec. 23 V, where the child is motivated to lie for some reason. In 96 M the emphasis is on the mother as being responsible for the fabrication and in some way using the child to utter suggested statements.

"It occurred to me later on that possibly the mother had put her up to it all." (96 M)

Juror 1 : "If the mother had come up with something with the daughter, sure something might have happened but not to the full extent where sexual intercourse took place." (96 M)

Juror 2 : "She might have exaggerated it." (96 M)

Juror 3 : "She might have exaggerated it, but realised she had something to go on.." (96 M)

MISCELLANEOUS CATEGORIES

97 ANECDOTES (P) : (Personal) the juror uses personal background or experience to clarify the deliberation process and legal procedures, to justify his or her position, and to promote understanding of a point of view. Statements are not just personal references, but must have a clear purpose of promoting an understanding of the present case. Such statements are coded as (97 P)

Metaphors differ from anecdotes. Anecdotes make clear reference to the juror's personal background or experience.

"I was a camp counsellor and I had this kid who was abused, and she could have lied about it, but she just came out and said that's what happened." (97 P)

"I know a daughter who used to have a shower with her father up until a certain age. They had younger children .. they all used to get into the bath together and she was up to grade 8 or 9." (97 P)

97 ANECDOTES (N/P) : (NON-PERSONAL) : The juror may make reference to some situation which is analogous to the one under discussion, but it is one in which the juror was **not personally** involved. Examples of this are crimes, trials or events which were seen in the paper or on T.V. These types of statement are coded as (97 N/P).

"There was a program on T.V. actually talking about women who had been abused by their fathers. There were just some amazing things that they said." (97 N/P)

"I've read that in a lot of cases fathers spend more time with kids when they're separated than in all the time they would if they were together all the time." (97 N/P)

98 REFERENCES TO LAWYERS : the juror makes reference either to the lawyers from the trial scenario, or to lawyers in general, but as it applies to the present case. The juror's reference must be to the lawyers as people, not to the process of prosecution or defense. Jurors may make reference to the lawyers' style, performance, line of questioning or the like.

Note that the word "lawyer" need not be used. For example, if the juror uses "she" to clearly refer to a lawyer, it is appropriate to code the statement under Sec.98. Also, statements under Sec. 98 may be dual coded with any other category when it is appropriate ; otherwise, Sec. 98 may be used alone.

If the juror specifically comments about the manner in which the cross examination of the child was conducted then refer to Secs. 19 X and 29 X and code there.

"I don't think the defense lawyer did much of a job." (98)

"I thought both lawyers did less than they could've done". (98)

"I think the prosecutor did better than the defense lawyer and that coloured your thoughts too." (98)

99 UNCODABLE STATEMENTS : this category should be used only when absolutely necessary. Statement fragments may need to be coded as Sec. 99 if the coder can not infer a clear meaning. However, if part of the statement is codable, code that portion and ignore the remainder of the statement. If a juror makes a clear reference to a theme but you are uncertain exactly what category is closest, make your best judgement. For example, if the juror mentions demeanor but it is unclear whether the intent is to convey belief (Sec. 10) or disbelief (Sec. 20) the statement should be coded for one of those categories, not for section 99. Refer to the general instructions for coding ambiguous statements.

Section 99 should be used only for statements which are so ambiguous that they absolutely cannot be classified elsewhere.

SINGLE word statements. Jurors often say things such as "Yeah", "Well", and other inconclusive terms. These statements can indicate agreement, disagreement or merely that the juror is attending to another juror. Because it is so difficult to be certain what these statements intend to convey and because there are many single word statements made during the deliberations, single word statements are NOT ASSIGNED ANY CODE unless the meaning is very clear. Err on the side of caution, that is, when in doubt do not assign a code.

Juror 1 : "When I watched the whole thing I thought he was guilty, but now that I see the points that you all raised I'd have to go with guilty." (72)

Juror 2 : "That's how I was impressed too." (it's unclear which part of the preceding juror's statement is being agreed with ; therefore, code as Sec. 99.)

Juror 1 : "What if he's innocent. You read about times where some innocent guy spends years in jail." (85)

Juror 2 : "Yeah, that's true. It would turn anyone to a criminal life." (99)

Appendix 11.2

**Summary sheet used for content analysis
of each jury group's deliberation**

Juror 1	Juror 2	Juror 3	Juror 4	Juror 5	Juror 6
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9
10	10	10	10	10	10
11	11	11	11	11	11
12	12	12	12	12	12
13	13	13	13	13	13
14	14	14	14	14	14
15	15	15	15	15	15
16	16	16	16	16	16
17	17	17	17	17	17
18	18	18	18	18	18
19	19	19	19	19	19
20	20	20	20	20	20
21	21	21	21	21	21
22	22	22	22	22	22
23	23	23	23	23	23
24	24	24	24	24	24
25	25	25	25	25	25
26	26	26	26	26	26
27	27	27	27	27	27
28	28	28	28	28	28
29	29	29	29	29	29
30	30	30	30	30	30
31	31	31	31	31	31
32	32	32	32	32	32
33	33	33	33	33	33
34	34	34	34	34	34
35	35	35	35	35	35
36	36	36	36	36	36
37	37	37	37	37	37
38	38	38	38	38	38
39	39	39	39	39	39
40	40	40	40	40	40
41	41	41	41	41	41
42	42	42	42	42	42
43	43	43	43	43	43
44	44	44	44	44	44
45	45	45	45	45	45
46	46	46	46	46	46
47	47	47	47	47	47
48	48	48	48	48	48
49	49	49	49	49	49
50	50	50	50	50	50
51	51	51	51	51	51
52	52	52	52	52	52
53	53	53	53	53	53
54	54	54	54	54	54
55	55	55	55	55	55
56	56	56	56	56	56
57	57	57	57	57	57
58	58	58	58	58	58
59	59	59	59	59	59
60	60	60	60	60	60
61	61	61	61	61	61
62	62	62	62	62	62
63	63	63	63	63	63
64	64	64	64	64	64
65	65	65	65	65	65
66	66	66	66	66	66
67	67	67	67	67	67
68	68	68	68	68	68
69	69	69	69	69	69
70	70	70	70	70	70
71	71	71	71	71	71
72	72	72	72	72	72
73	73	73	73	73	73
74	74	74	74	74	74

20 V General disbelief

21 V Demeanour (inappropriate)

not able to dist. fact / fantasy

23 V Motivation to lie

24 Inappropriate behavior (for age)

25 V Inappropriate behavior (relation)

26 V Inappropriate behavior (other)

27 V Insufficient explanation

28 Intellectual capacity to lie

29 Ps Inappropriate interview

29 X Inapprop. cross examination

Code. CATEGORY

Juror 1 Juror 2 Juror 3 Juror 4 Juror 5 Juror 6

DEFENDANT

10 D General belief

20 D General disbelief

11 D Demeanour (positive)

21 D Demeanour (negative)

13 D No reason to lie

23 D Motivation to lie

15 D Appropriate beh. (relationship)

25 D Inappropriate beh. (relat.)

16 D Appropriate behav. (other)

26 D Inappropriate beh. (other)

17 D Sufficient explanation

27 D Insufficient explanation

Discussion of Evidence Categs.

30 Victim's evidence discussed

31 Inconsistencies between
child's & father's testimony

40 Defendant's testimony discuss.

50 M Mum's testimony discussed

50 Dr Doctor's testimony discussed

50 Psy Psych's testim. discussed

51 M Mum's testim. enhances case

52 M Mum's test does not enhance

51 Dr Doc's testimony enhances case

52 Dr Doc's test does not enhance

51 Ps Psych's testim. enhances case

52 Ps Psych's test. does not enhance

Code. CATEGORY	Juror 1	Juror 2	Juror 3	Juror 4	Juror 5	Juror 6
53 Other corroboration not present that is, any specific evidence which might have supported the child's testimony						
54 Defendant background missing e.g, questions about any prior sexual or criminal history						
55 Family background / history such as relationship between parents needed or referred to						
60 Inaccurate juror statements e.g. facts of case, or testimony or judge's instructions etc.						
<u>JUROR CONCLUSIONS</u>						
71 Appropriate statements sufficient evidence - conviction						
72 Appropriate statements insufficient evidence - acquittal						
73 Appropriate statements insufficient evidence - No verdict given						
81 Inappropriate statements : Conviction						
82 Inappropriate statements : Acquittal						
-83 Inappropriate statements : No Verdict given						
84 Concern about consequences of the verdict or the incident for the child						

Code.	CATEGORY	Juror 1	Juror 2	Juror 3	Juror 4	Juror 5	Juror 6
85	Concern about consequences of the verdict or trial exposure for the defendant						

86	Any discussion of reasonable doubt & its relation to verdicts.						
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Process Issues

90	Verdict statements/questions without elaboration						
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91	Rule & role focus						
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92	Task focus by jurors						
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94	Refusal to deliberate : totally irrelevant comments						
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95	Comments on experiment realism, esp. problems						
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96	Alternative hypotheses about the incident.						
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96 M	Mother as fabricator or embellishing agent						
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Miscellaneous

97	Juror anecdotes : telling own experiences						
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98	References to lawyers						
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99	Uncodable statements						
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Appendix 11.3

**Application of the content analysis codebook criteria to a
deliberation transcript.**

Jury panel is from Experiment 2

Independent variable conditions for this group were

Sex of expert : Female
Role of Expert : Prosecution witness
Sex of child witness : Female
Age of child witness : 6 years

Juror details

Number on transcript	Gender	% of total words on transcript	Pre-deliberation verdict	Post-deliberation verdict
1	Male	12.8%	Guilty	Guilty
2	Female	13.3%	Guilty	Not guilty
3	Male	6.5%	Guilty	Guilty
4	Female	15.2%	Guilty	Guilty
5	Male	31.0%	Guilty	Guilty
6	Female	21.2%	Not guilty	Guilty

The code for each utterance unit or part thereof is shown in parentheses with the content analysis criterion **number** in bold and the *name* of the criterion in italics

EXPERIMENT 2 - GROUP 1 - Deliberation transcript & content coding

- 6 The young girl in the video she seemed fairly certain about what she remembers having happened (12 - *no cognitive distortion*) but I don't know that you could convict someone purely on a child's memory cause the doctor couldn't back it up (52 Dr - *Dr's testimony does not enhance case*). It's probably not something that a child would imagine (18 - *Naivete*) but you can't ...
- 2 No it isn't, especially when she talks about the semen on her legs (12 - *no cognitive distortion*).
- 1 Too much detail where a child of 6 (12 - *no cognitive distortion*).
- 2 too much detail exactly, the semen and the something larger than the finger, the movement and the hurting, that's, to me, that's too much detail and points in the one direction (17 V - *sufficient explanation from victim*).
- 5 It seems like there's a few of us who come up with guilty but I think the thing that swayed me probably was that there's two things, the child didn't seem to embellish what was said she seemed to just say like she said she couldn't see anything you know she didn't know it was a finger or anything (17 V - *sufficient explanation from victim*).
- 2 She had her eyes closed (92 - *task focus by juror*).
- 5 Oh yeh, but I mean she didn't say she saw more than the physical that she might have felt and also there was no indication that there was any malice between the wife and the ex-husband (55 - *family background*) or the child and there didn't seem to be any conflict or any, there was no sort of proof that the wife wanted to get at the husband or that they felt that there was any, there was no evidence of a really strong friction or anything like that (30 - *victim's evidence discussed*).
- 2 I'm not so sure what you mean, that points in the one direction then (92 - *task focus by juror*).
- 5 Yeh, I agree but I went for guilty as well but the reason I did (71 - *appropriate statement : conviction*), there was the two reasons, one that the child didn't seem to embellish anything she seemed to say exactly what she saw or felt (12 - *no cognitive distortion*) and the mother and the child, I would expect in that sort of case, that the defence would have gone all out to prove (98 - *reference to lawyers*) that the mother especially had some sort of reason to want the father not to see the child and that wasn't the case.
- 4 So you're saying access was allowed (55 - *family background*).
- 5 Access was allowed and she didn't seem to have any resentment against that access or anything like that (55 - *family background*).

- 2 No, no she felt that, she obviously felt that he was within his rights and did what he said that he'd go to court if she didn't let him see the child (50M - *Mother's testimony discussed*).
- 6 And she had no reason to think that he might hurt her (50M - *Mother's testimony discussed*).
- 5 The doctor's evidence was pretty useless (52 Dr - *Dr's testimony does not enhance case*).
- 6 Yes (52 Dr - *Dr's testimony does not enhance case*).
- 2 Yes, but then a month after, what do you expect (52 Dr - *Dr's testimony does not enhance case*).
- 5 The psychologist was a bit iffy because she was right on the borderline of the ages you know 6 below 6 is... (52 Psy - *Psych's testimony does not enhance case*).
- 1 But unless she had some pressure put on her by the mother she'd have no reason to want to be cut off from her father would she anyway, I mean (13 V - *no reason to lie*).
- 6 No, she was quite happy to go and visit him up until then (92 - *task focus*).
- 5 That's true (92 - *task focus*).
- 6 But the psychologist hadn't even seen that particular child either (52 Psy - *Psych's testimony does not enhance case*).
- 2 No she was going on the base research wasn't she and... (52 Psy - *Psych's testimony does not enhance case*).
- 5 That's right (52 Psy - *Psych's testimony does not enhance case*).
- 6 No child's, (99 - *uncodable statement*).
- 4 She was a little bit perhaps being led by the prosecution, Miss Barlow ..(6 0 - *inaccurate juror statement - Miss Barlow was defense lawyer*) / (22 - *cognitive distortion - suggestible*).
- 6 Yeh, she didn't want to believe the answers (29 X - *inappropriate cross-examination of child*).
- 4 ...there were a few questions that were almost suggesting that she was being led by suggestion (22 - *cognitive distortion*), but above and beyond that the psychologist representation of the research backed up that a child of that age has good retention of central important facts (51 Psy - *Psych's testimony does enhance case*).
- 6 Yeh, they're not likely to make something like that up (18 - *naivete*).
- 4 Yes (18 - *naivete*).

- 6 Especially as she said where they're the victim the kid's a hero in all their adventures (51 Psy - *Psych's testimony does enhance case*).
- 4 So that, I had a guilty verdict based on the psychologist's summary of research data combined with the child's age (51 Psy - *Psych's testimony does enhance case*) / (71 - *appropriate statement : conviction*).
- 2 No, I had a guilty verdict from the detail from the child (71 - *appropriate statement : conviction*) / (17 V - *sufficient explanation by child*). The psychologist didn't really do much for me (52 Psy - *Psych's testimony does not enhance case*).
- 6 I thought she was, I mean, everything she said was seemed pretty good (51 Psy - *Psych's testimony does enhance case*), just that she had not met that particular child.
- 5 Seems like we're very sure he was guilty (90 - *verdict statement or question*).
- 5 I wouldn't be able to pass a guilty verdict without the psychologists evidence because that give sort of you know um it gives the definition of when children can distinguish fact from fantasy and it gives an indication as to what things are retained in their memory central and important things which affect them rather than peripheral things (51 Psy - *Psych's testimony does enhance case*).
- 3 I would like a bit more information about the child, how she is in school, hear from her school teacher..whether she really makes up stories or not (53 - *corroboration not present*).
- 4 The prosecution lawyer asked her questions (98 - *reference to lawyer*).
- 3 Well they asked the child yes (98 - *reference to lawyer*), but not one of the teachers who see her every day (53 - *corroboration not present*).
- 2 Yeh character reference if you like from a teacher (53 - *corroboration not present*).
- 1 The trouble is in courts you're always in that situation you say I'd like to know that but in real courts cases you know there's an awful lot of information that both sides know and they're not going to tell you because it suits them not to tell you (93 - *acceptance of experimental realism & task re-focus*).
- 6 They may have interviewed the teacher but the video ran out (95 - *comment on exp. realism / problems*) / (53 - *corroboration not present*)
- 5 Those questions that were asked by that lawyer I felt were quite irrelevant to the issue, Miss Barlow, if you ask any child that and if they can answer to an unknown person honestly they will say yes I do have dreams and nightmares and yes I do make up stories (29 X - *inappropriate cross-examination of child*).

- 6 But she kept telling her that it was only in school the ones that she does in class (16 V - *appropriate behaviour by child*).
- 1 The thing that you lose in this kind of thing is the reality (95 - *comment on exp. realism / problems*) because I mean a child of 6 her acting's going to be down a bit anyway and I thought she was a bit glib (21 V - *inappropriate demeanour*) but that's just really the function of the acting ability of a 6 year-old professional. In a real court case you could probably judge the genuine emotions.
- 6 Yeh, she smiled an awful lot for someone talking about something that would have been quite scary at the time (21 V - *inappropriate demeanour*).
- 2 But kids are nervous in their own way you know how they not forget but to be embarrassed they just smile and not to be overly worried about it. I don't there was anything wrong with that (11 V - *appropriate demeanour*).
- 5 I've seen on TV where they've done things on "60 Minutes" or something on children's evidence (97 - *juror anecdotal material - non-personal*), it's always the same it's always like that they're not full of emotion or worried or that upset with emotion (16 V - *appropriate behaviour*), they're usually playing with toys and it's almost like a motherly type thing when they're trying to question them.
- 2 It's something that grows with them, it probably affects them as they get older (16 V - *appropriate behaviour*).
- 4 Did you answer the question, what harm do you think it brought to the child futuristically or presently? (84 - *concern about consequences for the child*).
- 2 Beg your pardon? (92 - *task focus*)
- 4 That question that asked, what harm do you think it did to the child, did you answer it for now or for future (84 - *concern about consequences for the child*).
- 2 For future definitely (84 - *concern about consequences for the child*).
- 6 For future is probably harder when she realises..(84 - *concern about consequences for the child*).
- 2 Without a doubt but then ..(84 - *concern about consequences for the child*).
- 6 It hasn't registered to her really what was wrong. She knows that she doesn't really like what's happened but she doesn't understand (18 - *naivete*).
- 4 No it was an act which hurt, frightened her (18 - *naivete*).
- 2 No not yet. And she might get away with it, because it's something that's not going to reoccur so she might not be too damaged by it (84 - *concern about consequences for the child*).

- 5 There's a couple of other things that surprised me too like he used to see her every fortnight yet it was a month before he tried to see her again (92 - *task focus*).
- 6 He could have been away on the next fortnight (92 - *task focus*).
- 5 That's true (92 - *task focus*).
- 2 And another thing, I don't know... she, the child, said he was watching television (30 - *victim's evidence discussed*) and he said he was at his desk (40 - *defendant's testimony discussed*), but he could have been at his desk watching television, no he said he was working, he said he was working on some papers (31 - *inconsistencies between child and father's evidence*).
- 6 If he was doing that in the lounge room, I thought about that too (31 - *inconsistencies between child and father's evidence*).
- 5 With the TV on at the side. It depends on what he sees as relevant on what he was doing and what she sees as relevant on what he was doing (31 - *inconsistencies between child and father's evidence*).
- 1 He had a moustache and he was an accountant, I mean they're two fairly important things (83 - *inappropriate statement*).

laughter

- 1 Well most evil men have moustaches (83 - *inappropriate statement*).
- 6 He was an accountant makes him even more evil (83 - *inappropriate statement*).
- 2 Accountant's aren't that bad (83 - *inappropriate statement*).
- 4 I felt he sort of tripped, well not tripped, that's sort of too strong, but chocolates the next day was sort of a bit ... (20 D - *general disbelief in defendant*).
- 6 To a kid he wouldn't see very often (92 - *task focus*)
- 1 But not to tell your mummy because she'd be really angry, you know (92 - *task focus*)
- 5 Did anybody who put him guilty have very certain? (90 - *verdict statement or question*)

various no's

- 2 Certain that he's guilty. Yeh, I am without a doubt (90 - *verdict statement or question*).

- 6 Talking about it makes it a lot clearer though. Things make more sense, I didn't take so much notice of things the little girl said as what you did. You can remember things that I didn't even think of. Cause I put him not guilty. Very uncertainly not guilty (90 - *verdict statement or question*).

various "guilty"s

- 6 and yet talking about it I'd change it to guilty and almost very certain (90 - *verdict statement or question*).
- 2 I'm certain (92 - *task focus*).
- 1 I was guilty but 50/50 (90 - *verdict statement or question*).
- 5 Yeh, I was guilty but, well, not uncertain, but not very certain (90 - *verdict statement or question*).
- 6 I was the very extreme of uncertain but I put him not guilty (90 - *verdict statement or question*).
- 2 What swayed you then, Ken ? (92 - *task focus*)
- 5 What swayed me? Only that there was no clear apart from the testimony there's nothing to say. You know if she'd said it the next day and then gone to the doctor and found medical evidence then I would have been certain. But because there was no physical medical evidence (52 Dr - *Dr's testimony does not enhance case*) then in spite of the testimonies they could have been well practised for all I know without knowing the background because they didn't look into the mother's possible intentions (96 - *alternative hypothesis about the incident*) that we didn't get teachers evidence that, she might be a compulsive liar (53 - *other corroboration not present*) although that sort of thing is not the sort of thing that she'd create (18 - *naivete*) but I mean see dad said he didn't do anything to her (40 - *defendant's testimony discussed*) and she said that she'd been injured to mum (30 - *victim's evidence discussed*). Now I would say that if mum did create it would have started with something minor and she said well did he do this, did he do that, did he do that, but um.
- 4 The evidence replicated well chronologically um you know about the time she went to bed the fact that she was asleep and she was woken up that she was put on pillows in the lounge room assuming that that was the story that she related to her mother and the father's evidence (17 V - *child's testimony is sufficient explanation*).
- 1 The prosecution was trying to say it was all a dream, or suggested it was all (98 - *reference to lawyer*) / (60 - *inaccurate statement : defense was suggesting it was a dream*).
- 3 Well suggesting it was ...(98 - *reference to lawyer*).
- 6 Then the father went and said that that was exactly what happened (40 - *defendant's testimony discussed*), yes she did wake up and yes I did tell her to lie on the pillows (10 D - *general belief in defendant*).

- 2 But he'd have to have his story as close to hers as he possible could (20 D - *general disbelief in defendant*).
- 5 But he wouldn't know what her story was (10 D - *general belief in defendant*).
- 6 But he said something about that video, he must have seen it too (40 - *defendant's testimony discussed*).
- 5 Did he? He might have seen it at the court though at the case (92 - *task focus*).
- 6 Oh, he would have seen it there then (92 - *task focus*).
- 1 But whatsaname would have, the defence, the defence attorney would have seen it beforehand (98 - *reference to lawyer*).
- 4 But, perhaps only after he'd given a version of the story to his lawyer (98 - *reference to lawyer*).
- 6 But he would have seen that video in court as we were watching it supposedly (92 - *task focus*).
- 4 But he would have had a statement before that surely. So he couldn't change it..(92 - *task focus*).
- 6 that much..(92 - *task focus*).
- 4 because of seeing that in court (92 - *task focus*).
- 2 Would he have seen that video? (92 - *task focus*)
- 5 His defence attorney would have (98 - *reference to lawyer*). I don't think he would have.
- 2 I'm not sure if they're allowed or not (92 - *task focus*).
- 5 It wouldn't make sense in a real situation for him to have seen it especially before he'd made some sort of testimony (92 - *task focus*).
- 6 He would have, but I mean she could have, Miss Barlow, could have just told him exactly what she'd said (98 - *reference to lawyer*).
- 2 So, how many not guilty's do we have ? (90 - *verdict statement or question*)
- 6 Only me (90 - *verdict statement or question*).
- 2 And that's now changed after discussion (92 - *task focus*).
- 6 Hmm, but I still don't think I'd be really really certain (90 - *verdict statement or question*).

- 4 I wonder is there any other clinical or any research that might refute some of the data that gives this guilty verdict in this case whether the psychologist has represented only data that supports the child's side of the case (50 Psy - *Psych's testimony discussed*).
- 6 No she was pretty general (50 Psy - *Psych's testimony discussed*).
- 5 I didn't think she supported the child's side of the case that much because she said children under 7 most of the time were more susceptible to being manipulated and all that than children over 7, and this child was six, you know (52 Psy - *Psych's testimony does not enhance case*)
- 1 By adults? (92 - *task focus*)
- 5 Yeh, by adults although she did say that central things are less likely to be manipulated than peripheral things (51 Psy - *Psych's testimony does enhance case*).
- 4 Irrespective of age almost (51 Psy - *Psych's testimony does enhance case*).
- 6 Yeh, it's something that would be so clear and something she wouldn't forget. It wouldn't matter how old she was, if she'd been through it she'd still remember it without anyone adding bits (12 - *no cognitive distortion*). Yep, I'd say guilty now (90 - *verdict statement*).

all talking at once

- 4 Well, he's going to then ask us I think whether we've changed our verdict and why (91 - *rule and role focus*).
- 5 The job of the jury is to discuss it and for people who don't agree to sort it out and come up with a unanimous discussion (91 - *rule and role focus*).
- 6 My reasonable doubt's been devolving bit by bit (86 - *discussion of reasonable doubt*).
- 5 It's always the reasonable doubt that's the killer (86 - *discussion of reasonable doubt*), especially when there's someone's reputation and everything else (85 - *concern about consequences of verdict for defendant*).
- 2 Any doubt is a reasonable doubt (60 - *inaccurate juror statement*) / (86 - *discussion of reasonable doubt*).
- 6 There wasn't any medical evidence (52 Dr - *Dr's testimony does not enhance case*), only what the child said I mean there was no reason to not believe but that was the only evidence against him (53 - *other corroboration not present*).
- 5 I don't think there's any doubt, I think there's reasonable doubt (86 - *discussion of reasonable doubt*).
- 4 But this evidence might become outdated in another 5 years, this business with central things peripheral things (50 Psy - *Psych's testimony discussed*).

- 5 Yes, psychological stuff (50 *Psy - Psych's testimony discussed*).
- 4 I mean we are taking the current research data (50 *Psy - Psych's testimony discussed*) without medical...
- 1 After the chap's been in jail for 10 years and you discovered it was the chap's butler who came in half an hour later... (85 - *concern about consequences of verdict for the defendant*).
- 5 Lee's saying she based a lot of her decision on the psychologist data whereas I didn't think it was that strong (52 *Psy - Psych's testimony does not enhance case*) and I based mine more on the child and the mother rather than...
- 1 I went more with Jan's thinking. The description the little girl gave now a six year old girl unless they're very advanced at school these days wouldn't know those kind of details unless it'd been given to them by somebody else specifically it would have to be the mother but even then she'd be lucky to get it in the right order or anything else (18 - *naivete*).
- 3 Yeh, but just how easy do some kids pick up those words. If you asked what was it was it the finger or was it more. So the kid says days later it was more than a finger so sometimes that's how kids pick up those words and take them over (28 - *intellectual capacity to lie*).
- 1 Hmm, but it wasn't just the words it was the sequence of events (14 - *appropriate behaviour for age*).
- 4 And the other thing was she remembered him over her and she couldn't see anything and she just had her eyes shut and felt and then sticky stuff (12 - *no cognitive distortion*) I mean that's really incredible for a six-year old who (18 - *naivete*).
- 6 Wouldn't the mother even though she didn't take her to the doctor straight away because , they didn't find no bruising or anything a month later surely she would have noticed if her legs had been bruised or something when she got home the next day (27 *V - child's testimony is insufficient explanation*).
- 5 Does a six-year old wash herself? (92 - *task focus*).
- 4 Yes, probably (92 - *task focus*).
- 5 ...over the next few days at some stage her mum's probably got her clothes ready for school or run her bath or something (92 - *task focus*).
- 4 We don't know do we (92 - *task focus*).
- 1 I think so, it'd be internal, definitely (92 - *task focus*).
- 6 A six year old would be fairly little, most six year olds are fairly little, someone that small and her father being so much bigger you'd think that he'd hurt her just the weight of him so I don't know. You'd think her mother would notice something like that though (52 *M - Mother's testimony does not enhance case*).

- 3 That's not necessarily.. (16 V - *appropriate behaviour*).
- 4 I think that could be easily missed in the day to day rush you know bruise on her leg.. fell off the swing. Maybe as a single mum she just very busy and the child bathes herself and gets her clothes (92 - *task focus*).
- 5 It must have been the next afternoon because the next day the father gave her chocolates or something like that (92 - *task focus*).
- 4 He might have washed her clothes or anything while she was there (92 - *task focus*). The child might have even experienced some pain on urinating later on but she may have kept that secret because she was frightened (16 V - *appropriate behaviour from child*).
- 2 So she was with her father and it was a month before she told so why didn't she go for her other fortnightly visit (92 - *task focus*).
- 5 Maybe he was away (92 - *task focus*).
- 6 cause he travelled a lot ... (92 - *task focus*).
- 4 He might have gone trout fishing. or anything (92 - *task focus*).
- 5 bushwalking.. (92 - *task focus*).
- 6 Anyway she's missed that next visit anyway, they didn't say why (92 - *task focus*).
- 5 No, you can make a lot of presumptions, but we've got to work only with what we've been told (91 - *rule and role focus*).
- 6 Yeh, very uncertainly guilty I've changed it to guilty but I couldn't be 100% certain still (90 - *verdict statement*). There's too many things that are maybe...
- 2 What happens in a case when you just cannot make up your mind on a jury (91 - *rule and role focus*).
- 6 You deliberate until you can agree on something (91 - *rule and role focus*).
- 2 But you can't, you don't know whether he's guilty or not guilty you just don't know (73 - *appropriate statement : insufficient evidence*).
- 1 I think sometimes the judge will accept a majority verdict (91 - *rule and role focus*).
- 2 I guess you could refuse to vote (91 - *rule and role focus*).
- 1 The judge gives you a big lecture in summing up (91 - *rule and role focus*).
- 2 He was hopeless that judge, I'd hate him in my courtroom (94 - *irrelevant comment*).

- 3 I'm not familiar yet with Australian law, more with American and European (97 - *juror anecdotal material*). As a jury can you ask for another opinion say from the teachers, is that possible here ? (91 - *rule and role focus*)
- 2 No (91 - *rule and role focus*).
- 3 Let's say after, in America now after 3 hours if you cannot make up your mind as a jury, you can take another 24 hours and get some more information, it is possible (91 - *rule and role focus*).
- 2 Written information do you mean ? (91 - *rule and role focus*).
- 3 No not back in court, just more information from let's say a teacher in this case or ... (91 - *rule and role focus*).
- 5 But how do you get more information from a teacher without going to court? (91 - *rule and role focus*)
- 1 You can go back to the judge for clarification on certain issues but I don't think you can actually ask for further witnesses (91 - *rule and role focus*).
- 6 You get the manuscript things that they have of what everyone said you couldn't ask for extras (91 - *rule and role focus*).
- 4 Teachers would be a bit risky, if your teacher hated you might say all these horrible things about you (92 - *task focus*).
- 1 Yeh, but the teacher's really obliged (92 - *task focus*).
- 3 If representatives of court asked the teacher some question I would say 99% would tell the truth. How is the kids behaviour in school? (92 - *task focus*)
- 1 It's funny, a case I was in, one of the key witnesses (97 - *juror's anecdotal material*)

Appendix 12

Data Analyses

- Appendix 12.1 Data analyses for experiment 1**
- Appendix 12.2 Data analyses for experiment 2**
- Appendix 12.3 Data analyses for experiment 3**
- Appendix 12.4 Data analyses for experiment 4**

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Appendix 12.1 Analyses for Experiment 1

3 x 2 x 2 x 2 MANOVA

Child Age (3): 6 years, 9 years, 12 years

Presence/absence of expert (2)

x Sex of child (2) : Male; female

x Sex of juror (2) : Male; female

Dependent variables :

Memory; Resistance to suggestion; Reality monitoring

Source of Variation	df1	df2	Wilks' lambda	p
Child Age	6	236	.978	.852
Presence/absence of expert	3	118	.906	.008
Sex of child	3	118	.943	.076
Sex of juror	3	118	.930	.039
Child Age x Presence of expert	6	236	.946	.363
Child age x sex child	6	236	.954	.472
Child age x sex juror	6	236	.976	.824
Presence of expert x sex child	3	118	.981	.534
Presence of expert x sex juror	3	118	.979	.485
Sex child x sex juror	3	118	.961	.191
Child age x presence of expert x sex child	6	236	.953	.459
Child age x presence of expert x sex juror	6	236	.894	.037
Child age x sex child x sex juror	6	236	.912	.089
Presence of expert x sex child x sex juror	3	118	.984	.598
Child age x pres of expert x sex child x sex juror	6	236	.970	.728

Analyses of variance for child-based dependent variables.

2x2x3x2 ANOVA

Expert testimony (2) : present; absent
x Sex of child (2) : male; female
x Child age (3) : 6 years; 9 years; 12 years
x Sex of juror (2) : male; female

Dependent variable : Memory

Source of Variation	df	SS	MS	F	p
Expert	1	17.36	17.36	6.21	.014
Sex of child	1	1.00	1.00	0.35	.551
Child age	2	0.07	0.03	0.01	.987
Sex of juror	1	11.11	11.11	3.97	.048
Expert x sex child	1	5.84	5.84	2.09	.151
Expert x child age	2	1.04	0.52	0.18	.829
Sex child x Child age	2	1.78	0.89	0.32	.727
Expert x Sex juror	1	0.01	0.01	0.00	.960
Sex child x sex juror	1	5.06	5.06	1.81	.181
Child age x sex juror	2	2.46	1.23	0.44	.644
Expert x sex child x child age	2	3.96	1.98	0.71	.494
Expert x sex child x sex juror	1	0.69	0.69	0.24	.619
Expert x child age x sex juror	2	0.75	0.37	0.13	.874
Sex child x child age x sex juror	2	5.28	2.64	0.94	.391
Expert x sex child x child age x sex juror	2	2.08	1.04	0.37	.689
Residual	120	335.41	2.79		

Experiment 1Dependent variable : **Resistance to suggestion**

Source of Variation	df	SS	MS	F	p
Expert	1	21.00	21.00	7.68	.006
Sex of child	1	16.67	16.67	6.10	.015
Child age	2	4.50	2.25	0.82	.441
Sex of juror	1	12.25	12.25	4.48	.036
Expert x sex child	1	1.56	1.56	0.57	.451
Expert x child age	2	2.46	1.23	0.45	.638
Sex child x Child age	2	13.35	6.67	2.44	.091
Expert x Sex juror	1	5.44	5.44	1.99	.158
Sex child x sex juror	1	9.00	9.00	3.29	.072
Child age x sex juror	2	4.03	2.01	0.73	.480
Expert x sex child x child age	2	0.59	0.29	0.10	.897
Expert x sex child x sex juror	1	0.44	0.44	0.16	.687
Expert x child age x sex juror	2	21.08	10.54	3.85	.023
Sex child x child age x sex juror	2	5.51	2.75	1.00	.367
Expert x sex child x child age x sex juror	2	4.64	2.32	0.85	.429
Residual	120	327.91	2.73		

Dependent variable : **Reality monitoring**

Source of Variation	df	SS	MS	F	p
Expert	1	25.00	25.00	8.41	.004
Sex of child	1	0.11	0.11	0.03	.846
Child age	2	4.79	2.39	0.80	.448
Sex of juror	1	21.77	21.77	7.33	.007
Expert x sex child	1	0.69	0.69	0.23	.629
Expert x child age	2	15.03	7.51	2.53	.084
Sex child x Child age	2	2.33	1.16	0.39	.675
Expert x Sex juror	1	0.03	0.03	0.01	.923
Sex child x sex juror	1	0.11	0.11	0.04	.846
Child age x sex juror	2	3.33	1.66	0.56	.572
Expert x sex child x child age	2	7.08	3.54	1.19	.306
Expert x sex child x sex juror	1	2.77	2.77	0.93	.335
Expert x child age x sex juror	2	13.67	6.83	2.30	.104
Sex child x child age x sex juror	2	19.37	9.68	3.26	.042
Expert x sex child x child age x sex juror	2	0.58	0.29	0.09	.906
Residual	120	356.33	2.97		

Dependent variable : **Confidence**

Source of Variation	df	SS	MS	F	p
Expert	1	1.77	1.77	0.55	.456
Sex of child	1	6.25	6.25	1.96	.163
Child age	2	2.28	1.14	0.35	.699
Sex of juror	1	0.06	0.06	0.02	.888
Expert x sex child	1	2.25	2.25	0.70	.402
Expert x child age	2	1.87	0.93	0.29	.745
Sex child x Child age	2	14.44	7.22	2.27	.107
Expert x Sex juror	1	0.56	0.56	0.17	.674
Sex child x sex juror	1	3.06	3.06	0.96	.328
Child age x sex juror	2	0.38	0.19	0.06	.941
Expert x sex child x child age	2	2.94	1.47	0.46	.630
Expert x sex child x sex juror	1	0.06	0.06	0.02	.888
Expert x child age x sex juror	2	18.09	9.04	2.84	.062
Sex child x child age x sex juror	2	2.26	1.13	0.35	.701
Expert x sex child x child age x sex juror	2	5.01	2.50	0.78	.457
Residual	120	381.91	3.18		

Dependent variable : **Consistency**

Source of Variation	df	SS	MS	F	p
Expert	1	6.25	6.25	2.64	.106
Sex of child	1	1.36	1.36	0.57	.449
Child age	2	0.37	0.18	0.08	.923
Sex of juror	1	5.06	5.06	2.14	.145
Expert x sex child	1	2.77	2.77	1.17	.280
Expert x child age	2	2.90	1.45	0.61	.542
Sex child x Child age	2	8.04	4.02	1.70	.186
Expert x Sex juror	1	0.01	0.01	0.00	.956
Sex child x sex juror	1	12.84	12.84	5.44	.021
Child age x sex juror	2	2.82	1.41	0.59	.551
Expert x sex child x child age	2	0.17	0.08	0.04	.964
Expert x sex child x sex juror	1	0.17	0.17	0.07	.786
Expert x child age x sex juror	2	2.75	1.37	0.58	.559
Sex child x child age x sex juror	2	7.04	3.52	1.49	.229
Expert x sex child x child age x sex juror	2	0.46	0.23	0.09	.906
Residual	120	283.25	2.36		

Dependent variable : Attractiveness

Source of Variation	df	SS	MS	F	p
Expert	1	1.56	1.56	1.20	.274
Sex of child	1	21.77	21.77	16.77	.001
Child age	2	4.37	2.18	1.68	.189
Sex of juror	1	2.00	2.00	1.54	.216
Expert x sex child	1	1.17	1.17	0.90	.343
Expert x child age	2	4.15	2.07	1.60	.206
Sex child x Child age	2	2.62	1.31	1.01	.366
Expert x Sex juror	1	6.25	6.25	4.81	.030
Sex child x sex juror	1	3.67	3.67	2.82	.095
Child age x sex juror	2	4.02	2.01	1.54	.216
Expert x sex child x child age	2	4.62	2.31	1.78	.172
Expert x sex child x sex juror	1	1.00	1.00	0.77	.382
Expert x child age x sex juror	2	1.76	0.88	0.67	.509
Sex child x child age x sex juror	2	5.02	2.51	1.93	.149
Expert x sex child x child age x sex juror	2	2.09	1.04	0.80	.449
Residual	120	155.83	1.29		

Dependent variable : Harmfulness of the act

Source of Variation	df	SS	MS	F	p
Expert	1	0.44	0.44	0.13	.717
Sex of child	1	1.77	1.77	0.52	.469
Child age	2	1.04	0.52	0.15	.856
Sex of juror	1	4.00	4.00	1.18	.278
Expert x sex child	1	0.06	0.06	0.02	.892
Expert x child age	2	0.46	0.23	0.07	.933
Sex child x Child age	2	5.79	2.89	0.86	.426
Expert x Sex juror	1	0.34	0.34	0.10	.751
Sex child x sex juror	1	2.01	2.01	0.59	.442
Child age x sex juror	2	11.44	5.72	1.69	.187
Expert x sex child x child age	2	3.03	1.51	0.45	.639
Expert x sex child x sex juror	1	2.77	2.77	0.82	.366
Expert x child age x sex juror	2	9.21	4.60	1.36	.259
Sex child x child age x sex juror	2	5.42	2.71	0.80	.450
Expert x sex child x child age x sex juror	2	7.25	3.62	1.07	.344
Residual	120	404.91	3.37		

Experiment 1

Dependent variable : Likelihood of child not misinterpreting the act

Source of Variation	df	SS	MS	F	p
Expert	1	3.83	3.83	0.92	.339
Sex of child	1	2.12	2.12	0.51	.476
Child age	2	2.79	1.39	0.33	.716
Sex of juror	1	51.96	51.96	12.46	.001
Expert x sex child	1	4.16	4.16	1.00	.319
Expert x child age	2	12.39	6.19	1.48	.230
Sex child x Child age	2	15.09	7.54	1.81	.168
Expert x Sex juror	1	1.67	1.67	0.40	.528
Sex child x sex juror	1	10.83	10.83	2.59	.109
Child age x sex juror	2	5.72	2.86	0.68	.505
Expert x sex child x child age	2	2.72	1.36	0.32	.722
Expert x sex child x sex juror	1	0.76	0.76	0.18	.669
Expert x child age x sex juror	2	20.84	10.42	2.50	.086
Sex child x child age x sex juror	2	3.72	1.86	0.45	.641
Expert x sex child x child age x sex juror	2	3.79	1.89	0.45	.635
Residual	120	500.29	4.17		

Dependent variable : Overall credibility

Source of Variation	df	SS	MS	F	p
Expert	1	9.25	9.25	3.07	.082
Sex of child	1	0.21	0.21	0.07	.792
Child age	2	12.09	6.04	2.01	.138
Sex of juror	1	26.26	26.26	8.72	.004
Expert x sex child	1	1.46	1.46	0.48	.487
Expert x child age	2	0.77	0.38	0.13	.879
Sex child x Child age	2	6.21	3.10	1.03	.359
Expert x Sex juror	1	1.46	1.46	0.48	.487
Sex child x sex juror	1	2.12	2.12	0.71	.402
Child age x sex juror	2	5.09	2.54	0.84	.431
Expert x sex child x child age	2	4.42	2.21	0.73	.482
Expert x sex child x sex juror	1	4.16	4.16	1.38	.241
Expert x child age x sex juror	2	7.35	3.67	1.22	.298
Sex child x child age x sex juror	2	15.96	7.98	2.65	.075
Expert x sex child x child age x sex juror	2	15.67	7.83	2.60	.078
Residual	120	361.20	3.01		

Appendix 12.2 Analyses for Experiment 2

2 x 2 x 2 x 2 x 2 MANOVA

Sex of expert (2) : Male; female

x Expert role (2): Court-appointed; prosecution

x Child Age (2): 6 years, 9 years

x Sex of child (2) : Male; female

x Sex of juror (2) : Male; female

Dependent variables :

**Memory; Resistance to suggestion; Reality monitoring
(Pre-deliberation ratings of child)**

Source of Variation	df1	df2	Wilks' lambda	p
Sex of Expert	3	158	.971	.211
Expert role	3	158	.943	.027
Child age	3	158	.973	.232
Sex of child	3	158	.964	.124
Sex of juror	3	158	.959	.089
Sex expert x expert role	3	158	.931	.010
Sex expert x child age	3	158	.968	.171
Expert role x child age	3	158	.999	.992
Sex expert x Sex child	3	158	.956	.068
Expert role x Sex child	3	158	.966	.148
Child age x sex child	3	158	.997	.941
Sex expert x sex juror	3	158	.994	.842
Expert role x sex juror	3	158	.999	.985
Child age x sex juror	3	158	.993	.792
Sex child x sex juror	3	158	.955	.063
Sex expert x Expert role x child age	3	158	.990	.692
Sex expert x expert role x sex child	3	158	.989	.650
Sex expert x child age x sex child	3	158	.987	.569
Expert role x child age x sex child	3	158	.994	.848
Sex expert x expert role x sex juror	3	158	.974	.254
Sex expert x child age x sex juror	3	158	.973	.241
Expert role x child age x sex juror	3	158	.991	.715
Sex expert x sex child x sex juror	3	158	.961	.101
Expert role x sex child x sex juror	3	158	.960	.095
Child age x sex child x sex juror	3	158	.933	.012
Sex expert x Expert role x child age x sex child	3	158	.984	.474
Sex expert x Expert role x child age x sex juror	3	158	.959	.084
Sex expert x Expert role x sex child x sex juror	3	158	.990	.694
Sex expert x child age x sex child x sex juror	3	158	.986	.534
Expert role x child age x sex child x sex juror	3	158	.957	.076
Interaction - all five variables.	3	158	.970	.188

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Memory (Pre-deliberation ratings of child)

	df	SS	MS	F	p
Sex of Expert	1	8.12	8.12	3.26	.073
Expert role	1	15.47	15.47	6.21	.014
Child age	1	1.98	1.98	0.79	.374
Sex of child	1	3.94	3.94	1.58	.210
Sex of juror	1	6.94	6.94	2.78	.097
Sex expert x expert role	1	27.37	27.37	10.99	.001
Sex expert x child age	1	0.47	0.47	0.19	.664
Expert role x child age	1	0.00	0.00	0.00	.981
Sex expert x Sex child	1	7.72	7.72	3.10	.080
Expert role x Sex child	1	12.76	12.76	5.12	.025
Child age x sex child	1	0.57	0.57	0.23	.632
Sex expert x sex juror	1	0.57	0.57	0.23	.632
Expert role x sex juror	1	0.03	0.03	0.01	.909
Child age x sex juror	1	1.78	1.78	0.72	.399
Sex child x sex juror	1	6.20	6.20	2.49	.117
Sex expert x Expert role x child age	1	0.00	0.00	0.00	.981
Sex expert x expert role x sex child	1	3.66	3.66	1.47	.227
Sex expert x child age x sex child	1	3.38	3.38	1.36	.245
Expert role x child age x sex child	1	1.78	1.78	0.71	.398
Sex expert x expert role x sex juror	1	9.41	9.41	3.78	.054
Sex expert x child age x sex juror	1	0.03	0.03	0.01	.909
Expert role x child age x sex juror	1	0.47	0.47	0.19	.664
Sex expert x sex child x sex juror	1	13.28	13.28	5.33	.022
Expert role x sex child x sex juror	1	6.56	6.56	2.64	.106
Child age x sex child x sex juror	1	0.57	0.57	0.23	.632
Sex expert x Expert role x child age x sex child	1	0.37	0.37	0.15	.698
Sex expert x Expert role x child age x sex juror	1	0.29	0.29	0.12	.732
Sex expert x Expert role x sex child x sex juror	1	1.78	1.78	0.72	.399
Sex expert x child age x sex child x sex juror	1	5.50	5.50	2.21	.139
Expert role x child age x sex child x sex juror	1	5.84	5.84	2.34	.127
Interaction - all five variables.	1	4.53	4.53	1.82	.179
Residual	160	398.5	2.49		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : **Resistance to suggestion**
(Pre-deliberation ratings of child)

	df	SS	MS	F	p
Sex of Expert	1	0.37	0.37	0.11	.745
Expert role	1	22.34	22.34	6.28	.013
Child age	1	7.32	7.32	2.06	.153
Sex of child	1	1.42	1.42	0.40	.528
Sex of juror	1	5.17	5.17	1.45	.229
Sex expert x expert role	1	9.85	9.85	2.77	.098
Sex expert x child age	1	1.25	1.25	0.35	.554
Expert role x child age	1	0.22	0.22	0.06	.804
Sex expert x Sex child	1	2.64	2.64	0.74	.390
Expert role x Sex child	1	1.59	1.59	0.45	.504
Child age x sex child	1	0.06	0.06	0.02	.894
Sex expert x sex juror	1	0.47	0.47	0.13	.717
Expert role x sex juror	1	0.16	0.16	0.04	.833
Child age x sex juror	1	0.10	0.10	0.03	.863
Sex child x sex juror	1	6.20	6.20	1.74	.188
Sex expert x Expert role x child age	1	0.03	0.03	0.01	.924
Sex expert x expert role x sex child	1	0.03	0.03	0.01	.924
Sex expert x child age x sex child	1	0.81	0.81	0.23	.633
Expert role x child age x sex child	1	1.42	1.42	0.40	.528
Sex expert x expert role x sex juror	1	2.64	2.64	0.74	.390
Sex expert x child age x sex juror	1	0.10	0.10	0.03	.863
Expert role x child age x sex juror	1	3.94	3.94	1.11	.294
Sex expert x sex child x sex juror	1	7.72	7.72	2.17	.142
Expert role x sex child x sex juror	1	21.67	21.67	6.09	.015
Child age x sex child x sex juror	1	1.25	1.25	0.35	.554
Sex expert x Expert role x child age x sex child	1	1.78	1.78	0.50	.480
Sex expert x Expert role x child age x sex juror	1	12.76	12.76	3.58	.060
Sex expert x Expert role x sex child x sex juror	1	3.38	3.38	0.95	.331
Sex expert x child age x sex child x sex juror	1	1.09	1.09	0.31	.579
Expert role x child age x sex child x sex juror	1	16.62	16.62	4.67	.032
Interaction - all five variables.	1	3.94	3.94	1.11	.294
Residual	160	569.0	3.55		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Reality monitoring

(Pre-deliberation ratings of child)

	df	SS	MS	F	p
Sex of Expert	1	0.63	0.63	0.26	.612
Expert role	1	15.18	15.18	6.23	.014
Child age	1	0.19	0.19	0.08	.782
Sex of child	1	13.02	13.02	5.34	.022
Sex of juror	1	15.76	15.76	6.46	.012
Sex expert x expert role	1	14.63	14.63	6.00	.015
Sex expert x child age	1	10.55	10.55	4.33	.039
Expert role x child age	1	0.08	0.08	0.03	.854
Sex expert x Sex child	1	3.25	3.25	1.33	.249
Expert role x Sex child	1	5.33	5.33	2.18	.141
Child age x sex child	1	0.02	0.02	0.01	.926
Sex expert x sex juror	1	0.19	0.19	0.08	.782
Expert role x sex juror	1	0.05	0.05	0.02	.889
Child age x sex juror	1	0.05	0.05	0.02	.889
Sex child x sex juror	1	18.13	18.13	7.44	.007
Sex expert x Expert role x child age	1	2.30	2.30	0.94	.333
Sex expert x expert role x sex child	1	0.42	0.42	0.17	.678
Sex expert x child age x sex child	1	3.79	3.79	1.56	.214
Expert role x child age x sex child	1	0.75	0.75	0.31	.580
Sex expert x expert role x sex juror	1	0.75	0.75	0.31	.580
Sex expert x child age x sex juror	1	6.02	6.02	2.47	.118
Expert role x child age x sex juror	1	2.30	2.30	0.94	.333
Sex expert x sex child x sex juror	1	1.33	1.33	0.55	.461
Expert role x sex child x sex juror	1	5.67	5.67	2.33	.129
Child age x sex child x sex juror	1	14.63	14.63	6.00	.015
Sex expert x Expert role x child age x sex child	1	1.17	1.17	0.48	.489
Sex expert x Expert role x child age x sex juror	1	12.00	12.00	4.92	.028
Sex expert x Expert role x sex child x sex juror	1	0.19	0.19	0.08	.782
Sex expert x child age x sex child x sex juror	1	1.69	1.69	0.69	.407
Expert role x child age x sex child x sex juror	1	0.26	0.26	0.11	.747
Interaction - all five variables.	1	0.00	0.00	0.00	1.00
Residual	160	390.2	2.44		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Confidence (Pre-deliberation ratings of child)

	df	SS	MS	F	p
Sex of Expert	1	4.53	4.53	1.39	.239
Expert role	1	3.12	3.12	0.96	.328
Child age	1	0.10	0.10	0.03	.857
Sex of child	1	0.03	0.03	0.01	.920
Sex of juror	1	13.81	13.81	4.25	.041
Sex expert x expert role	1	21.66	21.66	6.67	.011
Sex expert x child age	1	0.29	0.29	0.09	.764
Expert role x child age	1	0.00	0.00	0.00	.984
Sex expert x Sex child	1	1.09	1.09	0.34	.562
Expert role x Sex child	1	0.47	0.47	0.14	.704
Child age x sex child	1	29.68	29.68	9.14	.003
Sex expert x sex juror	1	3.94	3.94	1.21	.272
Expert role x sex juror	1	1.09	1.09	0.33	.562
Child age x sex juror	1	4.23	4.23	1.30	.255
Sex child x sex juror	1	16.04	16.04	4.94	.027
Sex expert x Expert role x child age	1	3.38	3.38	1.04	.308
Sex expert x expert role x sex child	1	0.10	0.10	0.03	.857
Sex expert x child age x sex child	1	0.03	0.03	0.01	.920
Expert role x child age x sex child	1	1.41	1.41	0.43	.509
Sex expert x expert role x sex juror	1	0.10	0.10	0.03	.857
Sex expert x child age x sex juror	1	0.16	0.16	0.05	.826
Expert role x child age x sex juror	1	0.03	0.03	0.01	.920
Sex expert x sex child x sex juror	1	25.15	25.15	7.75	.006
Expert role x sex child x sex juror	1	1.78	1.78	0.54	.459
Child age x sex child x sex juror	1	0.15	0.15	0.05	.825
Sex expert x Expert role x child age x sex child	1	1.98	1.98	0.61	.436
Sex expert x Expert role x child age x sex juror	1	10.78	10.78	3.32	.070
Sex expert x Expert role x sex child x sex juror	1	0.01	0.01	0.00	.952
Sex expert x child age x sex child x sex juror	1	0.03	0.03	0.01	.920
Expert role x child age x sex child x sex juror	1	0.69	0.69	0.21	.645
Interaction - all five variables.	1	3.65	3.65	1.12	.290
Residual	160	519.3	3.24		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Consistency (Pre-deliberation ratings of child)

	df	SS	MS	F	p
Sex of Expert	1	9.18	9.18	3.36	.068
Expert role	1	1.50	1.50	0.55	.458
Child age	1	4.38	4.38	1.60	.207
Sex of child	1	0.75	0.75	0.27	.601
Sex of juror	1	15.18	15.18	5.56	.019
Sex expert x expert role	1	20.67	20.67	7.57	.007
Sex expert x child age	1	15.75	15.75	5.77	.017
Expert role x child age	1	1.68	1.68	0.62	.432
Sex expert x Sex child	1	3.52	3.52	1.29	.258
Expert role x Sex child	1	3.25	3.25	1.19	.276
Child age x sex child	1	18.13	18.13	6.64	.011
Sex expert x sex juror	1	8.33	8.3	3.05	.082
Expert role x sex juror	1	0.05	0.05	0.02	.895
Child age x sex juror	1	1.50	1.50	0.55	.458
Sex child x sex juror	1	11.02	11.02	4.04	.046
Sex expert x Expert role x child age	1	2.52	2.52	0.92	.338
Sex expert x expert role x sex child	1	0.42	0.42	0.15	.694
Sex expert x child age x sex child	1	0.05	0.05	0.02	.895
Expert role x child age x sex child	1	6.02	6.02	2.21	.139
Sex expert x expert role x sex juror	1	5.67	5.67	2.08	.151
Sex expert x child age x sex juror	1	0.05	0.05	0.02	.895
Expert role x child age x sex juror	1	2.08	2.08	0.76	.383
Sex expert x sex child x sex juror	1	13.02	13.02	4.77	.030
Expert role x sex child x sex juror	1	0.25	0.25	0.09	.760
Child age x sex child x sex juror	1	1.17	1.17	0.43	.513
Sex expert x Expert role x child age x sex child	1	0.08	0.08	0.03	.861
Sex expert x Expert role x child age x sex juror	1	7.52	7.52	2.75	.098
Sex expert x Expert role x sex child x sex juror	1	0.05	0.05	0.02	.895
Sex expert x child age x sex child x sex juror	1	1.50	1.50	0.55	.458
Expert role x child age x sex child x sex juror	1	4.68	4.68	1.71	.192
Interaction - all five variables.	1	2.52	2.52	0.92	.338
Residual	160	436.7	2.73		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Likely harmfulness of the act

	df	SS	MS	F	p
Sex of Expert	1	1.02	1.02	0.22	.639
Expert role	1	20.67	20.67	4.46	.036
Child age	1	0.00	0.00	0.00	1.000
Sex of child	1	7.52	7.52	1.62	.204
Sex of juror	1	0.88	0.88	0.19	.663
Sex expert x expert role	1	0.42	0.42	0.09	.763
Sex expert x child age	1	9.18	9.18	1.98	.161
Expert role x child age	1	16.92	16.92	3.65	.058
Sex expert x Sex child	1	0.08	0.08	0.02	.893
Expert role x Sex child	1	0.42	0.42	0.09	.763
Child age x sex child	1	0.18	0.18	0.04	.840
Sex expert x sex juror	1	1.50	1.50	0.32	.569
Expert role x sex juror	1	16.33	16.33	3.53	.062
Child age x sex juror	1	7.92	7.92	1.71	.192
Sex child x sex juror	1	1.17	1.17	0.25	.615
Sex expert x Expert role x child age	1	1.88	1.88	0.41	.524
Sex expert x expert role x sex child	1	0.05	0.05	0.01	.919
Sex expert x child age x sex child	1	2.52	2.52	0.54	.461
Expert role x child age x sex child	1	12.50	12.50	2.70	.102
Sex expert x expert role x sex juror	1	2.08	2.08	0.45	.503
Sex expert x child age x sex juror	1	5.00	5.00	1.08	.299
Expert role x child age x sex juror	1	1.68	1.68	0.36	.546
Sex expert x sex child x sex juror	1	0.05	0.05	0.01	.919
Expert role x sex child x sex juror	1	1.68	1.68	0.36	.546
Child age x sex child x sex juror	1	9.63	9.63	2.08	.151
Sex expert x Expert role x child age x sex child	1	10.54	10.54	2.28	.133
Sex expert x Expert role x child age x sex juror	1	0.33	0.33	0.07	.788
Sex expert x Expert role x sex child x sex juror	1	10.08	10.08	2.18	.142
Sex expert x child age x sex child x sex juror	1	0.05	0.05	0.01	.919
Expert role x child age x sex child x sex juror	1	4.68	4.68	1.01	.316
Interaction - all five variables.	1	6.02	6.02	1.30	.255
Residual	160	740.2	4.63		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Likelihood of child not misinterpreting the act

	df	SS	MS	F	p
Sex of Expert	1	21.33	21.33	4.38	.038
Expert role	1	21.33	21.33	4.38	.038
Child age	1	6.38	6.38	1.31	.254
Sex of child	1	2.52	2.52	0.52	.473
Sex of juror	1	93.52	93.52	19.20	.000
Sex expert x expert role	1	51.05	51.05	10.48	.002
Sex expert x child age	1	4.68	4.68	0.96	.328
Expert role x child age	1	1.02	1.02	0.21	.647
Sex expert x Sex child	1	10.54	10.54	2.16	.143
Expert role x Sex child	1	0.13	0.13	0.03	.870
Child age x sex child	1	0.02	0.02	0.00	.947
Sex expert x sex juror	1	12.50	12.50	2.56	.111
Expert role x sex juror	1	0.42	0.42	0.08	.768
Child age x sex juror	1	0.02	0.02	0.00	.947
Sex child x sex juror	1	18.13	18.13	3.72	.055
Sex expert x Expert role x child age	1	1.17	1.17	0.24	.624
Sex expert x expert role x sex child	1	1.02	1.02	0.21	.647
Sex expert x child age x sex child	1	1.88	1.88	0.38	.535
Expert role x child age x sex child	1	1.88	1.88	0.38	.535
Sex expert x expert role x sex juror	1	0.52	0.52	0.11	.744
Sex expert x child age x sex juror	1	0.25	0.25	0.05	.819
Expert role x child age x sex juror	1	2.75	2.75	0.56	.453
Sex expert x sex child x sex juror	1	4.08	4.08	0.84	.361
Expert role x sex child x sex juror	1	10.08	10.08	2.07	.152
Child age x sex child x sex juror	1	1.50	1.50	0.31	.579
Sex expert x Expert role x child age x sex child	1	6.02	6.02	1.23	.267
Sex expert x Expert role x child age x sex juror	1	2.52	2.52	0.52	.472
Sex expert x Expert role x sex child x sex juror	1	16.92	16.92	3.47	.064
Sex expert x child age x sex child x sex juror	1	6.02	6.02	1.23	.267
Expert role x child age x sex child x sex juror	1	7.52	7.52	1.54	.215
Interaction - all five variables.	1	10.54	10.54	2.16	.143
Residual	160	779.16	4.87		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Child's credibility

	df	SS	MS	F	p
Sex of Expert	1	4.08	4.08	1.28	.259
Expert role	1	13.02	13.02	4.09	.044
Child age	1	6.02	6.02	1.89	.171
Sex of child	1	11.02	11.02	3.46	.064
Sex of juror	1	35.02	35.02	11.01	.001
Sex expert x expert role	1	50.02	50.02	15.72	.000
Sex expert x child age	1	3.52	3.52	1.11	.294
Expert role x child age	1	1.68	1.68	0.53	.467
Sex expert x Sex child	1	0.18	0.18	0.06	.809
Expert role x Sex child	1	7.52	7.52	2.36	.126
Child age x sex child	1	3.00	3.00	0.94	.333
Sex expert x sex juror	1	7.52	7.52	2.36	.126
Expert role x sex juror	1	3.00	3.00	0.94	.333
Child age x sex juror	1	1.68	1.68	0.53	.467
Sex child x sex juror	1	5.33	5.33	1.67	.197
Sex expert x Expert role x child age	1	0.00	0.00	0.00	.999
Sex expert x expert role x sex child	1	4.08	4.08	1.28	.259
Sex expert x child age x sex child	1	2.52	2.52	0.79	.374
Expert role x child age x sex child	1	0.33	0.33	0.10	.746
Sex expert x expert role x sex juror	1	0.52	0.52	0.16	.686
Sex expert x child age x sex juror	1	0.33	0.33	0.10	.746
Expert role x child age x sex juror	1	2.08	2.08	0.65	.419
Sex expert x sex child x sex juror	1	11.02	11.02	3.46	.064
Expert role x sex child x sex juror	1	6.02	6.02	1.89	.171
Child age x sex child x sex juror	1	0.02	0.02	0.01	.935
Sex expert x Expert role x child age x sex child	1	0.33	0.33	0.10	.746
Sex expert x Expert role x child age x sex juror	1	4.08	4.08	1.28	.259
Sex expert x Expert role x sex child x sex juror	1	0.02	0.02	0.01	.935
Sex expert x child age x sex child x sex juror	1	1.02	1.02	0.32	.571
Expert role x child age x sex child x sex juror	1	1.33	1.33	0.42	.518
Interaction - all five variables.	1	0.52	0.52	0.16	.686
Residual	160	509.1	3.18		

2 x 2 x 2 x 2 x 2 ANOVADependent Variable : **Helpfulness of expert**

	df	SS	MS	F	p
Sex of Expert	1	0.81	0.81	0.19	.663
Expert role	1	37.18	37.18	8.69	.004
Child age	1	1.09	1.09	0.26	.613
Sex of child	1	6.19	6.19	1.45	.230
Sex of juror	1	19.06	19.06	4.46	.036
Sex expert x expert role	1	23.03	23.03	5.38	.021
Sex expert x child age	1	30.48	30.48	7.12	.008
Expert role x child age	1	0.06	0.06	0.15	.902
Sex expert x Sex child	1	2.87	2.87	0.67	.413
Expert role x Sex child	1	17.22	17.22	4.02	.046
Child age x sex child	1	4.53	4.53	1.06	.304
Sex expert x sex juror	1	0.94	0.94	0.22	.638
Expert role x sex juror	1	1.25	1.25	0.29	.589
Child age x sex juror	1	1.25	1.25	0.29	.589
Sex child x sex juror	1	6.93	6.93	1.62	.204
Sex expert x Expert role x child age	1	0.00	0.00	0.00	.986
Sex expert x expert role x sex child	1	3.38	3.38	0.79	.374
Sex expert x child age x sex child	1	0.01	0.01	0.00	.958
Expert role x child age x sex child	1	2.87	2.87	0.67	.413
Sex expert x expert role x sex juror	1	0.81	0.81	0.19	.663
Sex expert x child age x sex juror	1	0.29	0.29	0.07	.793
Expert role x child age x sex juror	1	0.57	0.57	0.13	.714
Sex expert x sex child x sex juror	1	0.06	0.06	0.02	.902
Expert role x sex child x sex juror	1	0.00	0.00	0.00	.986
Child age x sex child x sex juror	1	0.57	0.57	0.13	.714
Sex expert x Expert role x child age x sex child	1	53.65	53.65	12.54	.001
Sex expert x Expert role x child age x sex juror	1	4.23	4.23	0.98	.321
Sex expert x Expert role x sex child x sex juror	1	1.59	1.59	0.37	.542
Sex expert x child age x sex child x sex juror	1	0.00	0.00	0.00	.986
Expert role x child age x sex child x sex juror	1	0.06	0.06	0.01	.902
Interaction - all five variables.	1	0.06	0.06	0.01	.902
Residual	160	684.2	4.27		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Impartiality of expert

	df	SS	MS	F	p
Sex of Expert	1	0.33	0.33	0.07	.783
Expert role	1	20.67	20.67	4.69	.032
Child age	1	3.52	3.52	0.80	.372
Sex of child	1	0.08	0.08	0.02	.890
Sex of juror	1	51.04	51.04	11.6	.000
Sex expert x expert role	1	16.92	16.92	3.85	.051
Sex expert x child age	1	1.33	1.33	0.30	.582
Expert role x child age	1	0.13	0.13	0.03	.863
Sex expert x Sex child	1	0.52	0.52	0.12	.731
Expert role x Sex child	1	16.92	16.92	3.84	.051
Child age x sex child	1	4.08	4.08	0.93	.337
Sex expert x sex juror	1	3.79	3.79	0.86	.354
Expert role x sex juror	1	2.08	2.08	0.47	.492
Child age x sex juror	1	12.50	12.50	2.84	.094
Sex child x sex juror	1	0.13	0.13	0.03	.863
Sex expert x Expert role x child age	1	6.38	6.38	1.45	.230
Sex expert x expert role x sex child	1	5.67	5.67	1.29	.258
Sex expert x child age x sex child	1	4.08	4.08	0.92	.336
Expert role x child age x sex child	1	6.38	6.38	1.45	.230
Sex expert x expert role x sex juror	1	0.00	0.00	0.00	1.000
Sex expert x child age x sex juror	1	0.13	0.13	0.03	.863
Expert role x child age x sex juror	1	7.52	7.52	1.71	.193
Sex expert x sex child x sex juror	1	2.29	2.29	0.52	.471
Expert role x sex child x sex juror	1	0.52	0.52	0.19	.582
Child age x sex child x sex juror	1	0.05	0.05	0.01	.917
Sex expert x Expert role x child age x sex child	1	27.75	27.75	6.30	.013
Sex expert x Expert role x child age x sex juror	1	18.75	18.75	4.26	.041
Sex expert x Expert role x sex child x sex juror	1	1.33	1.33	0.30	.582
Sex expert x child age x sex child x sex juror	1	1.17	1.17	0.26	.606
Expert role x child age x sex child x sex juror	1	1.02	1.02	0.23	.631
Interaction - all five variables.	1	0.02	0.02	0.01	.945
Residual	160	704.1	4.40		

2 x 2 x 2 x 2 x 2 ANOVA

Dependent Variable : Pre-deliberation verdict ratings

	df	SS	MS	F	p
Sex of Expert	1	25.52	25.52	3.28	.071
Expert role	1	33.33	33.33	4.29	.040
Child age	1	3.00	3.00	0.38	.535
Sex of child	1	7.92	7.92	1.02	.314
Sex of juror	1	54.18	54.18	6.97	.009
Sex expert x expert role	1	114.08	114.08	14.69	.000
Sex expert x child age	1	5.33	5.33	0.68	.408
Expert role x child age	1	2.52	2.52	0.32	.569
Sex expert x Sex child	1	3.79	3.79	0.48	.485
Expert role x Sex child	1	0.25	0.25	0.03	.856
Child age x sex child	1	10.54	10.54	1.35	.245
Sex expert x sex juror	1	3.00	3.00	0.38	.535
Expert role x sex juror	1	3.00	3.00	0.38	.535
Child age x sex juror	1	3.52	3.52	0.45	.501
Sex child x sex juror	1	10.54	10.54	1.36	.245
Sex expert x Expert role x child age	1	0.52	0.52	0.07	.796
Sex expert x expert role x sex child	1	9.63	9.63	1.24	.267
Sex expert x child age x sex child	1	19.38	19.38	2.49	.116
Expert role x child age x sex child	1	4.38	4.38	0.56	.453
Sex expert x expert role x sex juror	1	6.02	6.02	0.77	.380
Sex expert x child age x sex juror	1	6.75	6.75	0.87	.352
Expert role x child age x sex juror	1	5.33	5.33	0.68	.408
Sex expert x sex child x sex juror	1	2.29	2.29	0.29	.587
Expert role x sex child x sex juror	1	26.25	26.25	3.38	.068
Child age x sex child x sex juror	1	16.92	16.92	2.18	.142
Sex expert x Expert role x child age x sex child	1	0.13	0.13	0.02	.897
Sex expert x Expert role x child age x sex juror	1	35.02	35.02	4.51	.035
Sex expert x Expert role x sex child x sex juror	1	4.38	4.38	0.56	.453
Sex expert x child age x sex child x sex juror	1	0.00	0.00	0.00	.979
Expert role x child age x sex child x sex juror	1	0.42	0.42	0.05	.816
Interaction - all five variables.	1	18.13	18.13	2.33	.128
Residual	160	1242.3	7.76		

Appendix 12.3 Analyses for Experiment 3

3 x 2 x 2 MANOVA

Expert position (3) : Before child's testimony; after child's testimony; not present

x Child age (2) : 6 years; 9 years

x Sex of juror (2) : Male; female

Dependent variables :

Memory; Resistance to suggestion; Reality monitoring

Source of Variation	df1	df2	Wilks' lambda	p
Expert position	6	212	.838	.004
Child Age	3	106	.966	.300
Sex of juror	3	106	.916	.024
Expert position x Child Age	6	212	.962	.655
Expert position x sex juror	6	212	.956	.569
Child Age x sex juror	3	106	.986	.692
Expert position x child age x sex juror	6	212	.903	.090

3 x 2 x 2 ANOVA

Expert position (3) : Before child's testimony; after child's testimony; not present
x Child age (2) : 6 years; 9 years
x Sex of juror (2) : Male; female

Dependent variable : Memory

Source of Variation	df	SS	MS	F	p
Expert position	2	24.96	12.48	4.56	.012
Child age	1	0.00	0.00	0.00	1.00
Sex of juror	1	7.13	7.13	2.61	.109
Expert position x child age	2	3.71	1.85	0.68	.509
Expert position x Sex juror	2	0.61	0.30	0.11	.894
Child age x sex juror	1	1.17	1.17	0.43	.514
Expert position x child age x sex juror	2	1.7	0.89	0.32	.723
Residual	108	295.54	2.73		

Dependent variable : Resistance to suggestion

Source of Variation	df	SS	MS	F	p
Expert position	2	19.54	9.77	3.90	.023
Child age	1	4.53	4.53	1.81	.181
Sex of juror	1	18.43	18.43	7.35	.008
Expert position x child age	2	5.22	2.61	1.04	.356
Expert position x Sex juror	2	3.21	1.61	0.64	.528
Child age x sex juror	1	1.25	1.25	0.49	.481
Expert position x child age x sex juror	2	24.64	12.32	4.91	.009
Residual	108	270.64	2.50		

Dependent variable : Reality Monitoring

Source of Variation	df	SS	MS	F	p
Expert position	2	40.87	20.43	8.54	.000
Child age	1	4.68	4.68	1.96	.164
Sex of juror	1	18.13	18.13	7.58	.007
Expert position x child age	2	0.11	0.05	0.02	.976
Expert position x Sex juror	2	8.51	4.25	1.78	.173
Child age x sex juror	1	0.18	0.18	0.08	.780
Expert position x child age x sex juror	2	5.28	2.64	1.10	.335
Residual	108	258.25	2.39		

Experiment 3Dependent variable : **Confidence**

Source of Variation	df	SS	MS	F	p
Expert position	2	12.51	6.25	2.15	.122
Child age	1	15.47	15.47	5.31	.023
Sex of juror	1	0.94	0.94	0.32	.569
Expert position x child age	2	2.17	1.08	0.37	.689
Expert position x Sex juror	2	4.25	2.13	0.73	.483
Child age x sex juror	1	0.00	0.00	0.00	.983
Expert position x child age x sex juror	2	19.56	9.78	3.35	.038
Residual	108	314.52	2.91		

Dependent variable : **Consistency**

Source of Variation	df	SS	MS	F	p
Expert position	2	11.97	5.99	2.27	.107
Child age	1	10.08	10.08	3.83	.053
Sex of juror	1	15.75	15.75	5.98	.016
Expert position x child age	2	12.30	6.15	2.34	.101
Expert position x Sex juror	2	3.76	1.88	0.71	.491
Child age x sex juror	1	0.02	0.02	0.01	.929
Expert position x child age x sex juror	2	1.25	0.62	0.24	.789
Residual	108	284.12	2.63		

Dependent variable : **Attractiveness**

Source of Variation	df	SS	MS	F	p
Expert position	2	0.33	0.16	0.11	.896
Child age	1	12.76	12.76	8.49	.004
Sex of juror	1	5.84	5.84	3.89	.051
Expert position x child age	2	0.07	0.03	0.02	.977
Expert position x Sex juror	2	0.75	0.37	0.25	.778
Child age x sex juror	1	6.19	6.19	4.13	.045
Expert position x child age x sex juror	2	5.19	2.59	1.73	.182
Residual	108	162.22	1.50		

Experiment 3

Dependent variable : Harmfulness of the act

Source of Variation	df	SS	MS	F	p
Expert position	2	23.37	11.68	2.63	.076
Child age	1	2.19	2.19	0.49	.484
Sex of juror	1	19.06	19.06	4.30	.040
Expert position x child age	2	8.77	4.38	0.99	.374
Expert position x Sex juror	2	12.95	6.47	1.46	.236
Child age x sex juror	1	5.84	5.84	1.31	.253
Expert position x child age x sex juror	2	16.52	8.26	1.86	.159
Residual	108	478.64	4.43		

Dependent variable : Likelihood of child not misinterpreting the act

Source of Variation	df	SS	MS	F	p
Expert position	2	8.78	4.39	0.91	.407
Child age	1	2.87	2.87	0.59	.442
Sex of juror	1	52.60	52.60	10.86	.001
Expert position x child age	2	10.03	5.01	1.03	.358
Expert position x Sex juror	2	11.04	5.52	1.14	.323
Child age x sex juror	1	8.54	8.54	1.76	.186
Expert position x child age x sex juror	2	4.49	2.24	0.46	.629
Residual	108	522.97	4.84		

Dependent variable : Overall credibility

Source of Variation	df	SS	MS	F	p
Expert position	2	14.27	7.13	2.42	.093
Child age	1	3.38	3.38	1.15	.285
Sex of juror	1	23.73	23.73	8.06	.005
Expert position x child age	2	3.42	1.71	0.58	.561
Expert position x Sex juror	2	6.42	3.21	1.09	.339
Child age x sex juror	1	1.78	1.78	0.61	.438
Expert position x child age x sex juror	2	2.32	1.16	0.39	.674
Residual	108	317.77	2.94		

Appendix 12.4 Analyses for Experiment 4

2 x 2 x 3 x 2 MANOVA

Child's interview quality (2) : Standard; enhanced
x expert role (2) : court-appointed; prosecution
x expert testimony type (3) : cognitive abilities; behavioural consequences; SVA
x Sex of juror (2) : Male; female

Dependent variables :

Memory; Resistance to suggestion; Reality monitoring

Source of Variation	df1	df2	Wilks' lambda	p
Interview quality	3	118	.960	.187
Expert role	3	118	.981	.525
Expert testimony type	6	236	.868	.009
Sex juror	3	118	.840	.000
Interview quality x Expert role	3	118	.988	.707
Interview quality x Expert testimony type	6	236	.979	.859
Interview quality x sex juror	3	118	.975	.397
Expert role x Expert testimony type	6	236	.959	.553
Expert role x sex juror	3	118	.992	.816
Expert testimony type x sex juror	6	236	.923	.143
Interview quality x expert role x exp testimony	6	236	.908	.075
Interview quality x expert role x sex juror	3	118	.953	.125
Interview quality x expert testimony x sex juror	6	236	.949	.404
Expert role x expert testimony x sex juror	6	236	.979	.864
Int quality x exp role x exp testimony x sex juror	6	236	.994	.992

2x2x3x2 Anova

Quality of child's statement (2): standard; enhanced
x Expert role (2) : Court-appointed; prosecution
x Expert testimony (3) ; general cognitive abilities ; behavioural/psychological
consequences of abuse; SVA
x Sex of juror (2) : Male; female

Dependent Variable : Memory

	df	SS	MS	F	p
Quality of child's statement	1	7.79	7.79	3.60	.060
Expert role	1	0.02	0.02	0.01	.932
Expert testimony	2	6.43	3.21	1.48	.230
Sex of juror	1	6.89	6.89	3.18	.076
Quality of statement x expert role	1	0.63	0.63	0.29	.591
Quality of statement x expert testimony	2	2.93	1.46	0.67	.509
Expert role x expert testimony	2	2.62	1.31	0.61	.546
Quality of statement x Sex juror	1	1.66	1.66	0.77	.381
Expert role x Sex juror	1	0.00	0.00	0.00	.977
Expert testimony x sex juror	2	7.04	3.52	1.62	.201
Statement quality x exp. role x exp. testimony	2	15.09	7.54	3.49	.033
Statement quality x exp. role x sex juror	1	6.89	6.89	3.18	.077
Statement quality x exp. testimony x sex juror	2	3.09	1.54	0.71	.490
Expert role x exp. testimony x sex juror	2	0.18	0.09	0.04	.959
Interaction - all 4 variables	2	0.87	0.44	0.20	.817
Residual	120	259.4	2.16		

Dependent Variable : Resistance to suggestion

	df	SS	MS	F	p
Quality of child's statement	1	0.06	0.06	0.03	.865
Expert role	1	3.67	3.67	1.70	.194
Expert testimony	2	21.67	10.83	5.02	.008
Sex of juror	1	22.56	22.56	10.46	.001
Quality of statement x expert role	1	1.56	1.56	0.72	.396
Quality of statement x expert testimony	2	1.32	0.66	0.31	.736
Expert role x expert testimony	2	7.62	3.81	1.77	.174
Quality of statement x Sex juror	1	1.56	1.56	0.72	.396
Expert role x Sex juror	1	0.34	0.34	0.16	.691
Expert testimony x sex juror	2	12.07	6.03	2.80	.064
Statement quality x exp. role x exp. testimony	2	3.19	1.59	0.74	.478
Statement quality x exp. role x sex juror	1	0.84	0.84	0.39	.533
Statement quality x exp. testimony x sex juror	2	7.53	3.76	1.74	.178
Expert role x exp. testimony x sex juror	2	3.67	1.83	0.85	.429
Interaction - all 4 variables	2	1.04	0.52	0.24	.785
Residual	120	258.75	2.15		

Dependent Variable : Reality monitoring ability

	df	SS	MS	F	p
Quality of child's statement	1	6.46	6.46	3.28	.072
Expert role	1	0.21	0.21	0.10	.744
Expert testimony	2	1.88	0.94	0.47	.620
Sex of juror	1	35.50	35.50	18.05	.000
Quality of statement x expert role	1	0.00	0.00	0.00	.976
Quality of statement x expert testimony	2	1.29	0.64	0.33	.720
Expert role x expert testimony	2	5.85	2.92	1.49	.229
Quality of statement x Sex juror	1	0.76	0.76	0.38	.533
Expert role x Sex juror	1	1.26	1.26	0.64	.424
Expert testimony x sex juror	2	1.08	0.54	0.27	.759
Statement quality x exp. role x exp. testimony	2	13.46	6.73	3.42	.036
Statement quality x exp. role x sex juror	1	0.14	0.14	0.07	.789
Statement quality x exp. testimony x sex juror	2	6.01	3.00	1.52	.221
Expert role x exp. testimony x sex juror	2	0.44	0.22	0.11	.892
Interaction - all 4 variables	2	0.51	0.25	0.13	.878
Residual	120	235.95	1.96		

Experiment 4**Dependent Variable : Confidence**

	df	SS	MS	F	p
Quality of child's statement	1	13.75	13.75	4.70	.032
Expert role	1	4.87	4.87	1.67	.198
Expert testimony	2	22.07	11.04	3.77	.026
Sex of juror	1	0.76	0.76	0.26	.609
Quality of statement x expert role	1	5.64	5.64	1.93	.167
Quality of statement x expert testimony	2	9.11	4.55	1.56	.214
Expert role x expert testimony	2	3.08	1.54	0.52	.591
Quality of statement x Sex juror	1	22.96	22.96	7.85	.006
Expert role x Sex juror	1	0.76	0.76	0.26	.609
Expert testimony x sex juror	2	6.63	3.32	1.13	.324
Statement quality x exp. role x exp. testimony	2	5.76	2.88	0.98	.376
Statement quality x exp. role x sex juror	1	0.02	0.02	0.01	.941
Statement quality x exp. testimony x sex juror	2	2.75	1.37	0.47	.625
Expert role x exp. testimony x sex juror	2	4.34	2.17	0.74	.477
Interaction - all 4 variables	2	0.32	0.16	0.05	.946
Residual	120	350.62	2.92		

Dependent Variable : Consistency

	df	SS	MS	F	p
Quality of child's statement	1	2.25	2.25	0.97	.324
Expert role	1	8.02	8.02	3.49	.064
Expert testimony	2	6.79	3.39	1.47	.232
Sex of juror	1	19.50	19.50	8.49	.004
Quality of statement x expert role	1	3.36	3.36	1.46	.228
Quality of statement x expert testimony	2	4.38	2.19	0.95	.387
Expert role x expert testimony	2	0.04	0.02	0.01	.990
Quality of statement x Sex juror	1	1.17	1.17	0.51	.476
Expert role x Sex juror	1	1.17	1.17	0.51	.476
Expert testimony x sex juror	2	0.46	0.23	0.10	.904
Statement quality x exp. role x exp. testimony	2	6.27	3.14	1.36	.259
Statement quality x exp. role x sex juror	1	5.84	5.84	2.54	.113
Statement quality x exp. testimony x sex juror	2	3.89	1.95	0.85	.430
Expert role x exp. testimony x sex juror	2	1.04	0.52	0.23	.796
Interaction - all 4 variables	2	7.39	3.70	1.61	.204
Residual	120	275.66	2.29		

Dependent Variable : **Attractiveness**

	df	SS	MS	F	p
Quality of child's statement	1	0.01	0.01	0.00	.944
Expert role	1	0.06	0.06	0.04	.835
Expert testimony	2	1.34	0.67	0.46	.628
Sex of juror	1	7.11	7.11	4.93	.028
Quality of statement x expert role	1	0.06	0.06	0.04	.835
Quality of statement x expert testimony	2	6.00	3.00	2.08	.128
Expert role x expert testimony	2	2.84	1.42	0.98	.375
Quality of statement x Sex juror	1	0.44	0.44	0.31	.579
Expert role x Sex juror	1	3.36	3.36	2.33	.129
Expert testimony x sex juror	2	1.81	0.91	0.63	.534
Statement quality x exp. role x exp. testimony	2	4.94	2.47	1.71	.184
Statement quality x exp. role x sex juror	1	2.25	2.25	1.56	.214
Statement quality x exp. testimony x sex juror	2	10.54	5.27	3.66	.029
Expert role x exp. testimony x sex juror	2	3.23	1.61	1.12	.329
Interaction - all 4 variables	2	7.07	3.54	2.45	.090
Residual	120	172.83	1.44		

Dependent Variable : **Harmfulness of the act**

	df	SS	MS	F	p
Quality of child's statement	1	0.29	0.29	0.10	.748
Expert role	1	0.29	0.29	0.10	.748
Expert testimony	2	26.05	13.03	4.57	.012
Sex of juror	1	10.83	10.83	3.80	.053
Quality of statement x expert role	1	6.46	6.46	2.26	.135
Quality of statement x expert testimony	2	9.43	4.71	1.65	.195
Expert role x expert testimony	2	2.72	1.36	0.47	.621
Quality of statement x Sex juror	1	1.89	1.89	0.66	.417
Expert role x Sex juror	1	1.08	1.08	0.38	.538
Expert testimony x sex juror	2	0.72	0.36	0.13	.881
Statement quality x exp. role x exp. testimony	2	12.09	6.05	2.12	.124
Statement quality x exp. role x sex juror	1	4.17	4.17	1.46	.228
Statement quality x exp. testimony x sex juror	2	9.37	4.68	1.64	.197
Expert role x exp. testimony x sex juror	2	3.72	1.86	0.65	.522
Interaction - all 4 variables	2	2.43	1.21	0.43	.654
Residual	120	341.79	2.84		

Dependent Variable : Likelihood of child not misinterpreting the act

	df	SS	MS	F	p
Quality of child's statement	1	0.39	0.39	0.10	.747
Expert role	1	0.63	0.63	0.17	.683
Expert testimony	2	3.98	1.99	0.53	.589
Sex of juror	1	53.16	53.16	14.18	.000
Quality of statement x expert role	1	0.39	0.39	0.10	.747
Quality of statement x expert testimony	2	5.32	2.66	0.71	.493
Expert role x expert testimony	2	3.38	1.69	0.45	.638
Quality of statement x Sex juror	1	0.39	0.39	0.10	.747
Expert role x Sex juror	1	0.04	0.04	0.01	.914
Expert testimony x sex juror	2	7.23	3.61	0.96	.384
Statement quality x exp. role x exp. testimony	2	3.13	1.57	0.42	.659
Statement quality x exp. role x sex juror	1	2.12	2.12	0.56	.452
Statement quality x exp. testimony x sex juror	2	2.90	1.45	0.38	.679
Expert role x exp. testimony x sex juror	2	0.46	0.23	0.06	.940
Interaction - all 4 variables	2	2.36	1.18	0.31	.731
Residual	120	449.87	3.75		

Dependent Variable : Overall credibility

	df	SS	MS	F	p
Quality of child's statement	1	0.03	0.03	0.01	.918
Expert role	1	0.56	0.56	0.21	.645
Expert testimony	2	9.76	4.88	1.85	.161
Sex of juror	1	34.03	34.03	12.90	.001
Quality of statement x expert role	1	2.78	2.78	1.05	.307
Quality of statement x expert testimony	2	3.39	1.69	0.64	.527
Expert role x expert testimony	2	2.54	1.27	0.48	.619
Quality of statement x Sex juror	1	2.01	2.01	0.76	.385
Expert role x Sex juror	1	1.00	1.00	0.38	.539
Expert testimony x sex juror	2	7.05	3.52	1.34	.266
Statement quality x exp. role x exp. testimony	2	2.05	1.03	0.39	.678
Statement quality x exp. role x sex juror	1	0.17	0.17	0.07	.798
Statement quality x exp. testimony x sex juror	2	3.60	1.80	0.68	.507
Expert role x exp. testimony x sex juror	2	2.17	1.08	0.41	.664
Interaction - all 4 variables	2	3.60	1.80	0.68	.507
Residual	120	316.41	2.63		

Dependent Variable : **Pre-deliberation Verdict ratings -
aggravated sexual assault charge**

	df	SS	MS	F	p
Quality of child's statement	1	34.51	34.51	4.49	.036
Expert role	1	6.46	6.46	0.84	.361
Expert testimony	2	20.89	10.45	1.36	.260
Sex of juror	1	48.42	48.42	6.30	.013
Quality of statement x expert role	1	0.39	0.39	0.05	.822
Quality of statement x expert testimony	2	9.26	4.63	0.60	.549
Expert role x expert testimony	2	21.06	10.53	1.37	.257
Quality of statement x Sex juror	1	7.79	7.79	1.01	.316
Expert role x Sex juror	1	7.79	7.79	1.01	.316
Expert testimony x sex juror	2	0.69	0.35	0.05	.956
Statement quality x exp. role x exp. testimony	2	2.01	1.01	0.13	.878
Statement quality x exp. role x sex juror	1	16.34	16.34	2.13	.147
Statement quality x exp. testimony x sex juror	2	22.52	11.26	1.46	.235
Expert role x exp. testimony x sex juror	2	5.27	2.64	0.34	.710
Interaction - all 4 variables	2	14.19	7.09	0.92	.400
Residual	120	921.70	7.68		

Dependent Variable : **Pre-deliberation Verdict ratings -
sexual intercourse charge**

	df	SS	MS	F	p
Quality of child's statement	1	2.25	2.25	0.23	.636
Expert role	1	2.01	2.01	0.20	.655
Expert testimony	2	1.85	0.92	0.09	.912
Sex of juror	1	90.25	90.25	9.02	.003
Quality of statement x expert role	1	17.36	17.36	1.73	.190
Quality of statement x expert testimony	2	48.66	24.33	2.43	.092
Expert role x expert testimony	2	25.34	12.67	1.27	.285
Quality of statement x Sex juror	1	3.06	3.06	0.31	.581
Expert role x Sex juror	1	6.25	6.25	0.62	.431
Expert testimony x sex juror	2	8.00	4.00	0.40	.671
Statement quality x exp. role x exp. testimony	2	14.22	7.11	0.71	.493
Statement quality x exp. role x sex juror	1	5.06	5.06	0.51	.478
Statement quality x exp. testimony x sex juror	2	7.62	3.81	0.38	.684
Expert role x exp. testimony x sex juror	2	26.00	13.00	1.30	.276
Interaction - all 4 variables	2	16.62	8.31	0.83	.438
Residual	120	1199.91	9.99		